NATIONAL TRANSPORTATION SAFETY BOARD

IN RE:	
THE ACCIDENT INVOLVING AMTRAK TRAIN #89 AND MOW EQUIPMENT AND EMPLOYEES NEAR CHESTER, PENNSYLVANIA ON APRIL 3, 2016	NTSB Accident No. DCA16FR007

INTERVIEW OF: MATTHEW PORTO

Thursday,
September 8, 2016

National Railroad Passenger Corporation,
Amtrak
Headquarters
Philadelphia, Pennsylvania

BEFORE:

RYAN FRIGO, NTSB
BOB BEATON, NTSB
DONALD HILL, BLET
RICHARD HIPSKIND, NTSB
MICHAEL HOEPF, NTSB
THERESA IMPASTATO, AMTRAK
STEVE STEARN, BMWE
FRAN WALKER, FRA

ALSO PRESENT:

FORREST HOLDCROFT, NTSB

This transcript was produced from audio provided by the National Transportation Safety Board.

APPEARANCES:

On Behalf of Mr. Porto:

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P-R-O-C-E-E-D-I-N-G-S

MR. FRIGO: Good afternoon. My name is Ryan Frigo and I'm the Investigator in charge for the NTSB for this accident. We're here today on September 8th at the National Railroad Passenger Corporation, AMTRAK's headquarters in Philadelphia, Pennsylvania to conduct an interview with Matthew Porto who works for the National Railroad Passenger Corporation or AMTRAK.

This interview is in conjunction with NTSB's investigation of the collision of an AMTRAK train 89 with workers and equipment on April 3, 2016 near Chester, Pennsylvania on the Northeast Corridor. The NTSB Accident Reference No. is DCA16FR007.

Before we begin our interview and questions, let's go around the table and introduce ourselves. Please spell your last name and please identify who you are presenting and your title. I would remind everybody to speak clearly so we can get an accurate recording. I'll lead off and then pass off to my left.

Again, my name is Ryan Frigo. The spelling of my last name is F-R-I-G-O. And I'm the Investigator in Charge for NTSB on this accident.

MS. IMPASTATO: Theresa Impastato. The spelling of my last name is I-M-P-A-S-T-A-T-O. I'm the Deputy Chief Safety Officer for AMTRAK.

MR. STEARN: Steve Stearn, S-T-E-A-R-N. Brotherhood of Maintenance of Way Employees (BMWE).

MR. HOEPF: Michael Hoepf, H-O-E-P-F, NTSB.

MR. HOLDCROFT: Forrest Holdcroft, H-O-L-D-C-R-O-F-T, NTSB. I'm just observing.

MR. WALKER: Fran Walker, W-A-L-K-E-R. I'm an FRA Tech Safety Inspector.

MR. HILL: Donald Hill, H-I-L-L, Safety Tech, BLET.

MR. BEATON: Bob Beaton, B-E-A-T-O-N, with NTSB.

MR. HIPSKIND: My name is Dick Hipskind. The spelling of my last name is H-I-P-S-K-I-N-D. I work for NTSB and I'm the Track and Engineering Group Chairman for this accident.

MR. PORTO: Matthew Porto, P as in Paul, O-R-T-O. I'm the Director of Safety with AMTRAK.

MR. FRIGO: Okay. Thank you. And do we have your permission to record this interview today?

MR. PORTO: Yes, you do.

MR. FRIGO: And do you wish to have a representative with you at this interview?

MR. PORTO: Yes.

MR. BONVENTRE: My name is John Bonventre, B-O-N-V-E-N-T-R-E. I'm an attorney here for Mr. Porto

and I'm with the law firm of Landman Corsi Ballaine & Ford.

MR. FRIGO: And, Mr. Porto, do you mind if we proceed on a first name basis?

MR. PORTO: Absolutely.

MR. FRIGO: Great, Matt. Thank you. I want to thank you for being here. And, in full disclosure, Matt was part of the Track and Engineering group in the initial on-scene fact-finding phase of this investigation. So Matt has sat in on a lot of the interviews. We're really looking forward to speaking to you today and learning more from your perspective.

Just to begin with, can you start by giving us a synopsis of your work experience on the railroad from when you started and walk us up to your current position?

MR. FRIGO: Sure. I started on the railroad back in 2011. I started within Engineering in the Middle Amp (phonetic) division. I was the Environmental Coordinator. That position entailed imaging all environmental operations from the hazardous waste spill prevention control plans, stormwater plans as well as remediation of the right-of-way including bioremediation.

In April 2013, I accepted the position of

Director of System safety overseeing safety within Engineering. And I've been in the position since that time.

MR. FRIGO: And within that position of Director of System safety, what are your current duties and responsibilities?

MR. FRIGO: My responsibilities include overseeing the safety programs and processes within Engineering, working between both System safety and the Engineering Department to ensure that the overall enterprise global aspect of safety in our focus is also driven down within that department.

I oversee the lead safety specialists that are the safety managers within each division within Engineering throughout our system as well as managing the System safety agreements which include the Safety Liaison Agreement, safety positions within Engineering.

MR. FRIGO: Can you tell us more about some of those programs that you just mentioned that you would be responsible for?

MR. PORTO: Pretty much anything that's going to roll up around safety within Engineering, I provide support, guidance or oversee that, depending on specifically which safety process or program that you want to talk about. The System safety Agreement that

we have is pretty much the foundation of the main safety program within Engineering. So that I directly manage and ensure that we're able to focus in on the right areas of safety. We facilitate our safety resources, that we're out there focusing in on the right areas, taking a look at analytics that we have and that we collect and ensure that we're looking at that right information, going through and providing the right analysis of that information to identify trends.

Promote other areas of safety, whether that be a behavior based safety, safety policies, procedures. Pretty much all aspects of safety within there.

Within planning phases of the Engineering projects, there are site-specific safety work plans that are developed. Those are usually sent to one of the managers that report to me to go ahead and review. Some of the larger projects, we'll have discussions about and I'll sit in on that and provide support and guidance from the safety aspect to make sure we're covering all of the aspects of hazard identification, mitigation, throughout the life cycle of the programs.

Part of the Engineering Lead Team as well. So I sit on the staff meetings of the chief engineer. I am a direct report into System Safety to (Inaudible)

Estado (phonetic), our Deputy Chief Safety Officer but an extremely strong dotted line to our Chief Engineer, Rodrigo Pater (phonetic). Every day I'm in communications with both lines. I'm talking within System safety whether it be a Theresa or Michael Lobe (phonetic), our Chief Safety Officer and every day in communications with Rodrigo, our Chief Engineer, and Andy Keith, our Deputy Chief Engineer for Maintenance.

MR. FRIGO: So just to be clear, you report to Theresa.

MR. PORTO: Yes, sir.

MR. FRIGO: Okay. Thank you. And just again going back to your title, is it specifically Director of System safety or is it Director of System safety for Engineering?

MR. PORTO: It's -- When I originally accepted the position, the title was Director of System safety. Since we've had a couple of reorganizations the title is officially Director of Safety, Engineering. So if I provide the support specifically, my stakeholder is Engineering Department.

MR. FRIGO: Excellent. And I heard you. You mentioned several aspects of responsibility. Maybe if we could start with the System safety Agreement.

MR. PORTO: Sure.

MR. FRIGO: And if you could give us some level of detail on how we should think of that. Is that like a System safety program plan? Is it a --

MR. PORTO: It's primarily a collective bargaining agreement that we sat down with the three main unions within Engineering and currently working with a fourth right now. Went through negotiations to come together with an agreement that's a foundation of a program.

It doesn't entail everything that we do within the approach within Engineering. But it definitely provides a foundation of the guidelines and structure for what we're going to build everything off of. So that provides a structure of the liaison positions, what they are, how they are chosen, the jurisdiction and territories that they're going to cover, the approach to safety committees, the communication of safety information, the roles and responsibilities of those safety liaisons.

MR. FRIGO: And sticking with the liaison program, how many liaisons are there?

MR. PORTO: Currently, there are 24 liaisons. And as I was saying before, we're trying to come to an agreement with a fourth union which would add one more liaison for a total of 25. But currently

right now we have 24.

MR. FRIGO: And are they distributed evenly between the three unions that are part of the agreement?

MR. PORTO: They are not distributed evenly. We went through and we have them placed geographically based on population of the workforce that's there as well as the crafts. So we make sure that we have each craft -- and when I say craft before track, CNS, structures, B&B and then electric traction -- is represented throughout our entire system geographically. But in certain divisions there might be more certain craft because we have a larger workforce there.

MR. FRIGO: And when you say system wide, should I think of that as a national program?

MR. PORTO: Yes, you could think of it that way. Yes.

MR. FRIGO: And are the liaisons -- Is it a 24/7 role or is it -- We spoke with three liaisons yesterday and all three of them were mainly daylight guys. So how should we think about that program as far as the 24 liaisons? When do they work and?

MR. PORTO: So are you asking what their schedule is or their main role? Is their role 24/7

being a liaison or do we have them strategic or their schedule staggered in a way to provide 24/7 coverage?

MR. FRIGO: I'm looking to learn more about what the methodology for deploying the 24 resources across the system wide? How is that rolled out?

MR. PORTO: Okay. So with the liaisons, when we went to develop the schedule for the liaisons, we want to make sure that we had coverage 24/7, Sunday through Saturday and around the clock. Yes, we do have staggered schedules and at any given time there is a liaison on the property or liaisons on the property anywhere in the system.

Currently there are eight liaisons that we have that are dedicated to the tour third shift or night shift. So roughly 33 percent are liaisons that are dedicated to that third shift. And the others are all staggered. So there might be Monday through Friday, Monday through Thursday, Sunday through Thursday, Tuesday through Saturday just to make sure that we have a staggered schedule to cover that.

MR. FRIGO: Okay. So it might not -- From the worker-on-the-ground perspective being in a gang, I might not see a liaison all the time. But based on how the program is managed from System safety, there is a liaison that's out there.

MR. PORTO: Correct.

MR. FRIGO: Somewhere.

MR. PORTO: Correct. And it's not set in stone these schedules. We made sure when we went through -- And actually today is the anniversary of one year ago, September 8, 2015 that we signed into agreement all of these System safety agreements.

When we first developed it, this is how we set it up. But there's flexibility within the agreement that we're able to change these start dates or working times of any liaison. We go through and review any of the data that we're collecting if we identify a trend or if we know that a major project is coming up that's going to require a little bit more safety resources to be present there. We have that flexibility given that we follow the collective bargaining agreements and provide proper notification. We have that ability to adjust the schedules of any liaison.

MR. FRIGO: Let's talk a little bit more about that, about planning and major work that might require a shifting of resources. We'll get to data because I really want to talk about data as well.

MR. PORTO: Sure.

MR. FRIGO: But if you can talk more about

how that -- You mentioned that you get involved in, you and your staff, in the site-specific safety work plans and hazard analysis and mitigation processes and using the liaisons as a resource as well.

MR. PORTO: Yes.

MR. FRIGO: If you can speak to that.

MR. PORTO: Sure. With the site-specific safety work plans, it's not consistently applied throughout the engineering system. What I mean when I say that is we don't have a single template that's used throughout the system for site-specific safety work plans.

Right now, they are fragmented, a little different variations per division. Primarily, they're going to cover the same concept. We are working towards development of one single template to be able to apply consistently throughout there.

Also by comment, there are some project managers that are better than others in developing those site-specific safety work plans, the acronyms. But we go through and review the best that we can to identify any issues that are there. We have the conversations with the project managers, with the field managers that are going to be providing the work force to support this, to make sure that we've identified to

the best of our ability any hazards that could be present that are out there.

When we identify them, we're going to go through that process of mitigating to the best of our ability, using engineering controls or whatever or what we have to reduce that risk or eliminate it or be able to identify if there's certain risk that is acceptable within a process. But that is last resort.

MR. FRIGO: So you mentioned the project manager as part of the function of the SSWP.

MR. PORTO: Yes.

MR. FRIGO: Does the SSWP not exist without a project manager?

MR. PORTO: Right now, it's part of larger scheduled projects for maintenance side or the routine type tasks. It doesn't exist. Now that's something where JSAs would come into play. And we would able to look at these routine tasks to identify hazards and mitigating strategies that way.

MR. FRIGO: Okay. So again sticking to the site-specific work plan, the SSWP, can you give an example that you can recall of any project that required your input or Safety's input from a hazard analysis perspective?

MR. PORTO: Pretty much any large scheduled

project is going to have -- there's a sign-off on there for safety. It has to go through somebody on the Engineering Safety Team, somebody in my organization to take a look at it and sign off on it.

So any one of the large projects we have going on, the New Jersey High Speed Rail Project -- we could name and go on and on and on naming them -- Do you want me to continue keep naming different projects?

MR. FRIGO: No.

MR. PORTO: I mean from the facade project going on.

MR. FRIGO: No, I'm just curious to learn more about -- You pick whatever project that you want and if you could just describe that process of hazard identification and then analysis in that the mitigation and/or elimination, whatever, exists. I'm just curious to learn more how.

MR. PORTO: Okay. Well, we'll use for example everybody's walked into the station today. So you've seen all the construction going on, the scaffolding and all up there. So we have this facade restoration project going on.

During the planning phases of that, we sat down with the project manager as well as the successful contractor that won the bid for that job and discussed

the plan, what we are going to do, what the job entails as far as meeting the objectives of what that project is. And then we go through each of those steps to get to that from the material preparation and then we bring material in and identify what issues would exist with the placement. Where are we going to place it from the infrastructure from where it's being placed and how it's being placed and the equipment that's going to be there? Go through each one of those steps to identify any possible hazards that could come up from our side, a safety aspect.

When we identify those, we talk about how can we mitigate this concern. So it's an interim process that we go through and we go through each step, each phase of that and develop this preliminary plan.

As we go through the project, with this project -- So we did that at the planning phase. Then as we start to bring material in, we revisit that. We take a look and make sure that things are being done. Make sure that the assurance piece is there. Going out doing inspections. Making sure they're following what we said and then the mitigating steps that we said should be present.

Through that process, we can identify certain aspects of the project that we weren't able to

identify in the initial planning phases. As I was saying through the mitigating process, we're going to go back to the table, bring everyone together and talk about this came up. How are we going to move forward with mitigating this step?

MR. FRIGO: Thanks, Matt. And so it sounds like initially there is the project. And then there is the coordination of subject matter experts that assist in the development of the SSWP to support the project. And as part of that, there is the identification of hazards by the safety professionals.

MR. PORTO: Yes.

MR. FRIGO: And then when you get into the analysis section, are there any tools that you use? Is there any -- How do you determine what hazards, you know, the severity of a hazard? Or is there a consequence? A probability?

MR. PORTO: You're hitting right now. The hazard, you would have the probability and then the severity. So you take a look at basic risk assessment matrix. What is the probability of this issue, the concern that we have, from occurring? Then we take a look at how severe would something be if you did not mitigate this?

And you'll come up with your assessment on

that. So you could have something that is severe, classified as severe. That requires immediate attention. This is your 1A.

You could have something that's medium or a thing that the probability of occurring is once in a million. And when you get to those steps, that's where you really start getting into acceptable risk.

MR. FRIGO: I'm glad you -- Thanks for clarifying that for all of us.

MR. PORTO: I apologize for not saying that to begin with. I skipped right over it.

MR. FRIGO: Not at all. And I just want to -- I know I gave you the freedom to pick the project example and you picked here at 30th Street Station. I'm wondering if you could just -- If we could just go into the field for a second.

MR. PORTO: Sure.

MR. FRIGO: And let's pick a major production project that's on the right of way utilizing on track equipment and using men that are going to be out there and again using your description of the hazard analysis process and acceptable risk and assigning risk categories and whatnot. What would be some of those severe risks that in a generic project on the right of way that would be considered severe that

you would have to mitigate?

MR. PORTO: Number one, the tracks, the environment that you're working on, providing protection for the passage of moving trains. I mean right there the probability, number of trains that we had running down, we have the high frequency of movement that's happening. Severity of something happening if we did not mitigate that, extremely high. Right there, that's number one. Is that what you're looking to hear?

MR. FRIGO: I'm just trying to get a better understanding of how it plays out in the field.

MR. PORTO: Sure. And there's many other hazards as well that we're taking a look at, staging of equipment for bringing down some rail and replacing it there. We have to really go through and discuss that process, how it's going to be placed, how it's going to be secured, because look at the severity of the rail coming down and with somebody there moving rail, using on-track equipment and a crane and the whole dynamics of that operation. We have to go through that and discuss that. So it's not just RWP, railway work protection and taking a look at a holistic view of the project.

MR. FRIGO: I want to take the example now

away from the SSWP world and I want to bring it to the job site that doesn't have the project manager, that didn't have the planning team that put together the SSWP. How am I to understand how the hazard identification analysis and mitigation process works in that example?

MR. PORTO: In those examples, it's heavily dependent on the manager that's overseeing that project. These managers, they have a lot of experience within the industry and that's how they've reached the position that they're in.

It's almost a double-edged sword and this is throughout the entire industry. This is within the railroad industry. You have all this experience. With that experience comes with it the experience of knowing what can go wrong, the areas to make sure that they're going to cover and discuss with the employees or the supervisors and foremen that are out there performing the job.

But the other side of that is I guess the reluctance to change, to do new things. System safety approach to things, there's a change for the railroad and the railroad industry. I'm not saying they're going to say no. They're not going to go through if we try providing training on hazard identification and

doing risk assessment matrix on these items.

But that's really how it comes in. They're not going through following or doing a true risk assessment matrix and documenting these hazards on those types of tasks.

MR. FRIGO: But it sounds like they're relying on their experience to plan the work safely and to issue the work safely in areas again where experience has played the main role.

MR. PORTO: Absolutely. But also we have the verification steps, the assurance steps, where we're going in there. That's where it's critical to make sure that we have proper inspection, plans and inspections or observations happen at the worksite.

If there was any oversight at that chance, we're able to capture it, identify it. At that point, we can go through and mitigate any of the hazards that are identified.

MR. FRIGO: And you mentioned managers as being the planning organizational factor at that local level to plan the work and make sure the work gets done. Is that at a division level? Is that best how to think of that or?

MR. PORTO: Almost subdivision level. It would be ADE, assistant division engineer, level within

their specific geographic territory craft.

MR. FRIGO: Thanks for that clarification, Matt. Do you know with the safety liaisons that are out there if the liaisons are used by the assistant division engineers as a resource when it comes to planning work?

MR. PORTO: Absolutely, and they should be reaching out to them as a resource as well as reaching out to the lead safety specialists when they're planning. Critically, it's integral in that planning phase that they should be doing this.

MR. FRIGO: And the lead safety specialists, how many of those are there that would come under your section for Engineering?

MR. PORTO: Six lead safety specialists.

MR. FRIGO: And are they organized system wide as well?

MR. PORTO: They are system wide and by division.

MR. FRIGO: By division. So it sounds like there's always a lead safety specialist or a safety liaison that an ADE could reach out to to assist in planning some of this work and to gain a system safety perspective.

MR. PORTO: Absolutely.

MR. FRIGO: And thanks for helping me understand that process. And I know you and I both are into data. So why don't we talk a little bit about that? And we learned from the liaisons that they now have tablets.

MR. PORTO: Yes.

MR. FRIGO: Before there was a checklist and there are forms that are populated. And they kept saying "Well, the forms go to Matt. We don't know what happens to that." Maybe if you could help us understand what happens when the forms go to you and how is your -- You mentioned trends. If you could walk us through your data, your analytics project.

MR. PORTO: Sure. Absolutely. Yes, I would love to. And just to practice before I go into all that, the system safety agreement like I said we just signed it one year ago today.

And as with any process or program, it's continuous improvement. We're always looking for ways to get better and improve to make it easier for everyone to be better.

With that said, the whole electronic safety program that we've developed, it's I would say somewhat newer. There's been parts of it that have been out for longer than others. But as far as the inspections and

collection of information on the tablets out in the field, that system went live on August 1st. So we're still in the earlier stages of that implementation.

And the reason I'm saying that is it's all the information right now and how we built the system is for them to be able to have these tablets, to be able to be out there at the worksite, capture that information.

They can capture pictures right from there, attach it to their forms and submit the information. The information once it's submitted, we provide cellular service with all the tablets. So it's live. A hundred percent gets fed back to our database.

The information is all stored in one central location. That information depending on whatever inspection they do we can go through and we do go through and take a look at who is submitting the inspections, at what frequency, where, what deficiencies are we seeing.

That type of information right now is more on a manual side. What I'm going to be doing here in the very near future is being able to provide interactive accessibility from the tablets for managers to be able to go access that information and be able to slice and dice it however they would like to see it.

The information also we're going to go through. It's like I said broken down by liaison. So the liaisons will receive a report on a monthly basis showing for them specifically. So it would let's say Midatlantic North track. What deficiencies they've seen in their inspections that have been submitted as well as any of the lagging indicators that are out there. And with the observations we're looking at that more of leading indicators.

Then we can comply all the information together and provide a focus for them, different areas where they can concentrate on, discuss these specific areas within their safety committees, when they're out in the field talking with employees, to try to really narrow in, focus in, on the areas of concern within their area.

We can also do that by a division basis or global by craft, track, across the entire system. It's almost complete, but we do have a predictive and a local model that we're working on that uses multiple databases that we're pulling from operating rule violations, historical injury data for the past 25 years, the observation information as well. And we're using the official networks as well as recursive partitioning to be able to go through and provide that

predictive and a local model that will identify which variables that are feeding into this that have a higher probability of occurring for the next month. That will help try to focus in and identify certain areas of focus for us to be able to be more effective in our safety approach.

MR. FRIGO: That's interesting to hear about. I'm just curious how -- You mentioned that a goal of this project is to create a monthly summary for the liaison. But what you're describing there sounds like there would be many others within the organization that would be interested in it.

MR. PORTO: Absolutely. And it's not just for the -- The liaisons are going to have the immediate access because it's going to be right there on their tablets. And their tablets, everything was designed around this system that we developed. So they'll have that immediate access.

But the division engineers -- and we've spoken with the division engineers about this -- they can access it. ADEs can access it. And they will be able to see the focus areas as well for that. It's very easy. It's just adding another line of coding there to be able to have that report automatically generated and sent out on a monthly basis to whoever we

want to provide that information.

MR. FRIGO: Do you -- Is there a method for communicating this information down to the bottom, down to the boots on the ground? How do you see that working now?

MR. PORTO: Sure. So one of the great aspects I see when we developed the system safety agreement was the safety committee approach. We built a three tiered committee approach with tier one being localized committee chaired by the safety liaisons.

They're required to chair the tier one safety committee. And that tier one committee is made up of representatives from each gang within their jurisdiction.

So we've got MidAtlantic Tract North. At their tier one committee, there would be a representative from every single gang within MidAtlantic Tract North that participates in this tier one committee.

The tier two committee is divisional based. It's chaired by the lead safety specialist as well as the division engineer.

And the tier three is our safety advisory committee which is myself, the deputy chief engineer for maintenance, and the general chairman of BMWE, BRS,

and BRSA (phonetic). The structure that we have is that any information that is generated either that we want to get down we can funnel it down through the safety committees and get it down to that tier one committee.

We have a representative from every single gang across every craft. We can get that information word of mouth that way. It also works the other way around that it provides an environment for anybody that has a concern issue that they can bring up.

Even if they're not on that tier one committee, they bring it up to their gang representative that's going to go to that committee. They'll be able to bring it up and bring it to the attention of a liaison.

All these liaisons, they're the veterans of their craft out there. They had a lot of trust out in the field. So employees feel very comfortable being able to bring up these concerns to them. Then from there, it escalates up. They provide the minutes.

Or any concerns or issues that they weren't able to resolve at the tier one gets brought up at the tier two committee. The same type of process. If they can't resolve anything, it goes up to the tier three committee.

Anything that makes it to the tier three committee with the individuals involved on that committee, there's no reason why it cannot be fixed or resolved. That's one of the main mechanisms that we have in place to be able to communicate what I'd like to call ballast to the board room.

MR. FRIGO: Very good. Thank you for that information. I'm going to pass it on and then I'm going to have some follow-up on the next round.

MR. PORTO: Okay.

INTERVIEWER: Good morning. This is --

MR. PORTO: Good morning, sir.

INTERVIEWER: Thank you for coming in. The liaison they don't necessarily report to you.

MR. PORTO: Not directly, no. No liaisons except for the our liaison report directly to me. All the liaisons they report to the lead safety specialist within the division that they're within.

INTERVIEWER: Do you have a counterpart in other departments? You're the Director of the Safety Engineering. Are there directors in other divisions?

MR. PORTO: There are. There's a mechanical safety director for mechanical. There's a safety director for any city, safety director for long distance and space reporting.

INTERVIEWER: And do you regularly meet with these and discuss common issues I assume?

MR. PORTO: Yes.

INTERVIEWER: Would they as well be involved in any the site-specific plans that your office is involved in?

MR. PORTO: Not the -- Well, I guess depending on how far you want to drill down with that. You know if it's a large project that incorporates TSRBs and things of that nature, I'm sure they are. I can't say for sure one way or another.

INTERVIEWER: We understand that the liaisons are out there and they are regularly either doing daylight or doing night hours. (Inaudible) are working and in the case there's a deficiency or defect they generate observations specific to that. But then is it my understanding that their observations are not limited to only identifying defects or deficiencies? There are other observations that are prepared (Inaudible)

MR. PORTO: Absolutely. Positives and we encourage that when they do see good things out there that there's that positive reinforcement and communication. Regardless of what they see, communication is integral in that process to make sure

that they talk with that employee and provide that feedback.

INTERVIEWER: They are expected or required as we've come to understand to make a minimum of five observations per week.

MR. PORTO: Correct.

INTERVIEWER: How is a number like that generated? Are the number of observations dictated by the number of -- by itself? I mean I could be -- correct me if I'm wrong -- I'm in today and I've made three observations within 15 minutes. Would that be proper?

MR. PORTO: Actually, it's five a week. And we felt that five a week is something that is very obtainable for any liaison to be able to do on top of the other requirements, roles and responsibilities that they have of the chairing the tier one committee and just being out there visiting gangs and having discussions with them. So we decided on going with five. It's something that everybody should be able to hit without a problem.

And the other reason is that we didn't want this to be a quota driven process. We didn't want to say "You must conduct 20 observations a week." And that might reduce the quality of the inspections that

we're getting out there just because they're trying to hit this target.

With five, we're hoping that it is a quality driven process that these are good interactions. We're capturing live, good snapshots, good data in, good data out. So we want to make sure we have quality good data coming out.

INTERVIEWER: So we have liaisons in the field making observations. They're entering this data into a tablet and then uploading the information that is readily accessible by your office.

MR. PORTO: Correct.

INTERVIEWER: Is it accessible by your counterparts in these other departments as well? Or is it solely within Engineering?

MR. PORTO: As of right now, no. We have it within Engineering right now. As I said, it's continuous improvement. All of the development is being done by myself, the writing of all the code and the design, everything. If I had a team to be able to do this, we would be a lot further on to be able to provide that access for everyone else to be able to get to it and gain benefit from that information.

INTERVIEWER: You're in all of this.

MR. PORTO: Yes.

INTERVIEWER: As well as just the regular Director of Safety function you're also writing code for the data to be connected.

MR. PORTO: Yes.

INTERVIEWER: Wow. I was unaware. So there will be the day, if not now at some point, to share that with the Chief Engineer's office.

MR. PORTO: They have access to -- The way that we interface with the information is through a SharePoint site on our intranet. So the chief engineer has access to the information. And when I say has access to it has visibility rights to be able to view the information that's going in there and look at the automatically generated reports that are there right now.

They don't have access to the database to go in to make an edits. So, yes, they do have access to it. And with that interface it's as easy as whoever we want to add to have access to be able to view it we just give them the privileges. Then they're able to view it.

And like what I said in the future is being able to provide that whole interactive ability within that. Right now, everybody can see it. But being able to interact with that data and then slice and dice it

how they wish in addition to the automatically generated reports, that's down the road.

INTERVIEWER: Does this data information even if read only link with other outside corporations, private entities, government agencies?

MR. PORTO: No, since it's based off of our intranet you have to have the credentials to be able to log onto our network to be able to see the information. But it is information that we do share at the Safety Advisory Committee. So they are privy to the reports and information that we're generating from it.

INTERVIEWER: But being other safety organizations, do they have interest in the safety culture on the property?

MR. PORTO: No, because you have to have the network authorization to be able to get behind our network.

INTERVIEWER: So after collecting all this data and you sit down and you have something that it seems like is going to be working, you've got data, you're able to draw different correlation related to site-specifics and what may have been a problem here, could potentially be a problem in similar circumstances, are you able to take that information and share that with those who are responsible

internally with training or what would be training to enforce more of these rules because of these issues that are creating problems?

MR. PORTO: Absolutely. Internally we absolutely can do that.

INTERVIEWER: And has that been done in the past or is that just a future finding?

MR. PORTO: Again, this system went live August 1st. So we're just a little bit over a month of the system being live. But, yes absolutely. I mean we have plans of incorporating those type of reports even with 217.9, an efficiency test that utilizes this type of information to help focus in on areas that we can look at performing efficiency tests out there in certain areas that we see trends developing.

INTERVIEWER: I understand this is (Inaudible) The system safety agreement went live a year ago.

MR. PORTO: Correct.

INTERVIEWER: So I'm wondering if any of this transference of knowledge to those who administer training or facilitating obligations, has any of that been happened?

MR. PORTO: It has occurred. When we provide any areas of focus to liaisons, they go out in the

field. They communicate it through their safety committees. They also regularly go into the refresher camps or new employee orientation training. And these are the tolls that they should be using to put together their strategy for talking about certain areas of safety.

INTERVIEWER: I heard today and I've heard it before (Inaudible) your contacts when you're talking about maybe project managers or field administrators that some are better than others.

MR. PORTO: That can be applied to anything.

INTERVIEWER: Anything in life. But how do we get less of the vision between those that are good or adequate and those that need enhancements? How does that program address any of those shortcomings?

MR. PORTO: How would this program? Specifically the system safety agreement?

INTERVIEWER: Or anything that is being (Inaudible)

MR. PORTO: Certainly. I'm a big proponent of education and enhancing that and continuous improvement in any process. And that goes for training as well. So if we can leverage the information that we're gathering, the knowledge that we gain and use that to improve training at any level whether it's

training for project managers or on-the-job training, that what we should use it for. And that's how we can leverage this to be able to get to that objective.

INTERVIEWER: I'm assuming project managers and the like type positions receive training.

MR. PORTO: Correct.

INTERVIEWER: So (Inaudible) in creating that position. But are the additional trainings for these project manager type people say more safety specific that your department administers?

MR. PORTO: Safety specific for project managers, no. But there is new training that is going on with our project managers. They're required to go through the PMO process and become certified project managers. That is a big initiative that our chief engineer rolled out as soon as he came here to AMTRAK.

INTERVIEWER: Okay. Thank you, Matt.

MR. PORTO: You're welcome, sir.

MR. WALKER: All right. Fran Walker. I have a few questions. The liaisons in the past speaking of the computer program, they've gotten that knowledge that if they see a John Doe not complying with BBE rule or a safety rule or use the wrong tools. Is that documented by name and by rule, this person was not compliant?

MR. PORTO: Yes, absolutely. They can identify specifically by name, identify the specific rule that they see that was not compliant. However, within the System Safety Agreement -- and this was on both sides of the table in the negotiations -- we felt it necessary to include the language that these liaisons when they're out there to ensure that they have the trust of their other peers that any information that they document will not be used in a punitive matter in any way.

MR. WALKER: So in the past it was given to. But in the future now, it's going to be available to everybody else to see. So nobody can bring discipline against somebody whatever if they have not seen it.

MR. PORTO: We have the control of what people will be able to see. We're not going to put names out there of this individual didn't wear PPE four or five times.

Those type of things won't be provided in the reports for them to be able to drill down into. That's something that the liaisons will have access to so that they can identify and see if we have an issue with one specific employee and this one specific rule. And they should be out there as well as with the safety manager having these discussions with the employee,

talking to their ADE and saying "Maybe you want to perform some of these specific efficiency tests with this employee to help coach them and mitigate those issues."

MR. WALKER: All right. They don't get the interpretations of the rule and they don't understand. Do they bump it up to you to give them the interpretation of the rule? Then do they give feedback into the employees?

MR. PORTO: Absolutely. I have a true open door policy and every liaison knows they can get a hold of me at any time, any time of the day. I always have my cell phone on me as well as the lead safety specialists, their direct managers.

MR. WALKER: In the past did the liaisons ever bring to your attention that there was maybe an interpretation on these rules in effect?

MR. PORTO: No, I do not recall an interpretation on that.

MR. WALKER: All right. Have you gone over the rules? Have you taken the class on (Inaudible)

MR. PORTO: Yes, sir.

MR. WALKER: Are you aware that a requirement is that all operating rules/procedures dealing with that is actually one manual?

MR. PORTO: Yes.

MR. WALKER: All right. Was it ever brought to your attention by the liaisons or anybody that there was a problem say about a year ago when the manual was revised that shunt rule was not in the manual? Was that brought to your attention by anyone?

MR. PORTO: Specifically the shunt rule, no.

MR. WALKER: You're saying these forms that they used to go out with the liaisons that it was a paper form that only went to you.

MR. PORTO: The paper forms, that was under the old system safety program.

MR. WALKER: The prior logs, I'm saying there was a paper form the liaisons filled out and that only was sent to you.

MR. PORTO: No.

MR. WALKER: Your department.

MR. PORTO: The paper forms the liaisons would keep all those forms. They were the ones that would go through it and look for any trends and identify any trends. It would have been -- That's just too much for any one person to be able to collect forms from 24 individuals across the entire system and try to input that information and generate trends off of that.

MR. WALKER: Basically it was the liaison's

responsibility to identify trends and bump it up to you to see if there was any problem.

MR. PORTO: Between September 8th and August 1st when we went live with an electronic system, yes. But continuous improvement. We're always looking to improve and that's one of the ways that we did that.

MR. WALKER: Okay. So I guess system safety position now to interpret all rules you say regarding any safety rule. Is it their responsibility to interpret the rules?

MR. PORTO: If there is an interpretation that is needed on 214, yes. It should come through system safety.

MR. WALKER: One last question. I guess at one time in a different department -- I guess Human Resources -- they asked you to develop the RED (phonetic) manual and it was published. Do you know when that responsibility was changed from say in Human Resources or whatever to system safety?

MR. PORTO: I can't say. All I can speak on is since I've been here and in the position of Director of Safety. So I know when 336 regulation came out and went into effect on July 1, 2014. That was done in a collaborative effort through system safety, through engineering training. We had a collaborative approach

to revising the manuals.

MR. WALKER: Okay. No further questions.

INTERVIEWER: I have no questions.

MR. BEATON: Hi Matt.

MR. PORTO: Hello, sir.

MR. BEATON: Bob Beaton. Have we met before?

MR. PORTO: I don't believe so.

MR. BEATON: Okay. You look familiar and I'll figure that out at some point in time.

MR. PORTO: Okay.

MR. BEATON: I'm delighted to be able to talk to you and learn from you today since you're the Director of Safety Engineering. You joined AMTRAK in 2011.

MR. PORTO: Yes, sir.

MR. BEATON: What were you doing before that?

MR. PORTO: Before that, I was a metrology engineer in research and development for semiconductor microelectronic devices.

MR. BEATON: So you're a EE by academic training.

MR. PORTO: I'm astrophysics for undergrad, a minor in math.

MR. BEATON: Okay. Cool. What semiconductor house did you work for?

MR. PORTO: It was originally Rohm and Haas Electronic Materials, bought out by Dow Chemical. And we made the consumables for semiconductor microelectronics.

MR. BEATON: I'm a Tectronics alumnus back in the day when we were playing with gallimorcinite (phonetic). So maybe we have something to talk about.

MR. PORTO: I felt a lot of that. Absolutely.

MR. BEATON: All right. So as a physicist and technical specialist, how did you get into safety?

MR. PORTO: It was I came to the railroad. As I said I came in in the environmental specialist position and enjoyed being out in the field. Being out there as a manager new to the railroad, safety is something that everybody has to do.

I had a great mentor at the time, my boss who was the Division Engineer in MidAtlantic Division. He did not shy away from somebody wearing two hats.

And being out there, there were a lot of times when I had to respond to different emergency out on the tracks where I might have been the only manager or white hat as they say out in the field. I felt that

it was important that I knew thoroughly the safety rules and applications of those rules out in the field.

From a regulatory standpoint, it was a fairly easy transition. It was just changing the title of the CFR from 40.49 and being able to understand the regulations that pertained to our industry.

MR. BEATON: In your role as Director of Safety, Engineering, what does engineering mean? I mean as an engineer or physicist/mathematician you have an academic understanding of the word engineering. But now you're in the railroad and now you have a practical understanding of the word engineering. What does engineering mean in your title in terms of what you do?

MR. PORTO: That would be maintenance and the production and construction activities.

MR. BEATON: Okay. Are there other directors of safety, other groups?

MR. PORTO: Yes, there are.

MR. BEATON: And how many are there?

MR. PORTO: There is specifically for the operations a director of safety for any city, director of safety for mechanical, director of safety for long distance, space forwarded. And those folks in the main operations have other directors.

MR. BEATON: These are your peers, your

colleagues, and I assume you work well with them.

MR. PORTO: Yes.

MR. BEATON: Or act frequently with them I mean.

MR. PORTO: Yes.

MR. BEATON: So who corrals this group of safety directors?

MR. PORTO: We all report to the deputy chief safety officer.

MR. BEATON: And that would be Theresa.

MR. PORTO: Correct.

MR. BEATON: Okay. And Theresa reports to whom?

MR. PORTO: Michael Logg.

MR. BEATON: And Michael reports to whom?

MR. PORTO: To DJ Stadler.

MR. BEATON: Stadler. And Stadler reports to?

MR. PORTO: Now he reports to Mr. Morman, our new CEO.

MR. BEATON: Are you expecting that new reporting structure to have any direct impact on your group or your activities?

MR. PORTO: You know the safety especially in the railroad industry and in the passenger railroad

industry is paramount. If there would be any more attention and funds brought to it, that would be great. But I have no clue.

MR. BEATON: Not expecting anything at this point.

MR. PORTO: I don't know what to expect. He just started.

MR. BEATON: So you're holding your breath. You're reserving the right to develop it.

MR. PORTO: Yes.

MR. BEATON: All right. I got that. So who reports to you?

MR. PORTO: The lead safety specialists.

MR. BEATON: And how many are there? I think Ryan probably already asked that question.

MR. PORTO: Yes, there's six.

MR. BEATON: Six. And where are they located?

MR. PORTO: There is one lead safety specialist per division. So we have a MidAtlantic Division, New York Division, New England Division. We have a production lead safety specialist, central lead safety specialist and west lead safety specialist.

MR. BEATON: And physically they're located in this building or are they --

MR. PORTO: No, they are located within that division.

MR. BEATON: So they communicate with you by way of?

MR. PORTO: We talk every day. I talk with my lead safety specialists whether it be by phone, email, text.

MR. BEATON: Okay. So you know the value of teleworking then, right?

MR. PORTO: Yes, sir.

MR. BEATON: And teleconferencing.

MR. PORTO: Yes.

MR. BEATON: Do you have a pretty good relationship with your crew?

MR. PORTO: I do.

MR. BEATON: Do they have reports to do?

MR. PORTO: Yes, the safety liaisons report.

MR. BEATON: The safety liaisons, okay.

MR. PORTO: Correct.

MR. BEATON: So I met the safety liaisons and talked with them yesterday. I had quite a great conversation with them. I was quite impressed.

And one of my takeaways talking about the safety liaisons is they're kind of the big man on the ground. I mean they weald a lot of influence being a

member of the crafts, but also have the direct line of sight to get things done with management.

MR. PORTO: Yes.

MR. BEATON: Was that intended you guys set up safety liaisons?

MR. PORTO: Absolutely.

MR. BEATON: Is it part of the selection process for a safety liaison to consider how well they can politic?

MR. PORTO: No, it's not. The selection process, it's one of the areas that has been drastically revised under the new agreement. So the selection process is first based on the seniority of the employee. Well, actually I take back that first comment.

MR. BEATON: Okay.

MR. PORTO: So after the first we filter by seniority and we identify the top seven. We go through and we pool all the different type of personnel information that we have on the top seven candidates for that specific position.

That information is shared with the chairman of the respective union that that liaison falls under. And myself, the deputy chief engineer of maintenance as well as my managers of the system safety, Theresa and

Michael, we take a look at that information and develop our ideas of who we feel should be the best candidate out of these seven.

And we usually wait about a week after we send that information out. Then we come back to the table, myself, the deputy chief engineer of maintenance as well as the general chairman and we go through a process, the strike process. We each have three strikes.

The union goes first. They strike an employee. We go. Last man standing has the position.

MR. BEATON: Okay. So through a process of elimination ultimately --

(Simultaneous speaking)

MR. PORTO: (Inaudible)

MR. BEATON: That's understood these days. There's a consensus. I heard you use the term earlier when you were talking with the young fellow across the table from me JSA.

MR. PORTO: Yes.

MR. BEATON: Do you remember JSA? What does JSA stand for?

MR. PORTO: Job Safety Analysis.

MR. BEATON: Job Safety Analysis, okay, as opposed to something like KSA's knowledge, skills and

abilities. So in the selection of your safety liaisons, at what point do the qualifications as a safety engineer or safety specialist come into play?

MR. PORTO: Can you clarify that? Sorry.

MR. BEATON: When you go through the process of elimination to select people, at what point do you consider -- I mean I didn't hear you say you were picking them based on their political savvy? But I heard you say you picked them on their seniority and then by consensus with the other stakeholders here. But at what point do you pick them based on their KSAs for safety?

MR. PORTO: Oh, we go through and we take a look at the top seven candidates by seniority. That's how we get to the top seven first off. We go through and we talk to the managers of each one of those employees, people that have experience with them.

And when we come up with our strategy of here's by priority who we would like to have in the position, that's based off of the collection of information including their knowledge around safety.

MR. BEATON: You've got 25 safety liaisons or so.

MR. PORTO: Twenty-four right now.

MR. BEATON: Twenty-four.

MR. PORTO: Twenty-five soon.

MR. BEATON: Twenty-four. Hopefully you get another union involved to get another one. Out of that pool of 24, potentially 25, safety liaisons, how many actually have any formal training in safety to the point that they have a degree or a certificate?

MR. PORTO: Off the top of my head, I don't know. That's not a requirement for them to be able to bid on the position.

MR. BEATON: Not a requirement to be a safety liaison. It's not a requirement.

MR. PORTO: But there very well could be some safety liaisons with a formal education.

MR. BEATON: And you mentioned that your direct reports were lead safety --

MR. PORTO: Specialists.

MR. BEATON: -- specialists.

MR. PORTO: Right.

MR. BEATON: And there are six of those.

MR. PORTO: Yes, sir.

MR. BEATON: How many of your lead safety specialists have had formal safety training to the point where they have a certificate or a degree?

MR. PORTO: One of my positions is vacant right now. So I'm basing this off of the five.

MR. BEATON: Okay.

MR. PORTO: I would say four of the five have one.

MR. BEATON: Have what?

MR. PORTO: Whether it's a bachelors degree in a safety-specific area or a certification.

MR. BEATON: Do you know that? Or are you speculating?

MR. PORTO: No, I know.

MR. BEATON: So there are four of the five are degreed safety.

MR. PORTO: Or have a certification in safety.

MR. BEATON: And the safety certification would be from whom?

MR. PORTO: I'm trying to recall. I can't recall exactly the certification.

MR. BEATON: Are you a member of any system safety organizations, professional organizations?

MR. PORTO: I'm a member of the BAINS (phonetic) Committee. And I --

MR. BEATON: BAINS is a railroad safety oversight committee. But I'm talking about in the professional.

MR. PORTO: In the professional, no.

MR. BEATON: Have you ever been to a system safety professional conference, given a paper or talk or?

MR. PORTO: Within system, no.

MR. BEATON: Okay.

MR. PORTO: And the closest would be I'm the chair of the RIMA (phonetic) Safety Committee.

MR. BEATON: Okay.

MR. PORTO: And we go --

MR. BEATON: Railroad Industry.

MR. PORTO: Correct.

MR. BEATON: Safety group.

MR. PORTO: Yes.

MR. BEATON: But nothing outside that, the Rail Safety?

MR. PORTO: No, sir.

MR. BEATON: Are you familiar with system safety work outside of the railroad industry?

MR. PORTO: Yes.

MR. BEATON: What industries?

MR. PORTO: I'm coming from a very large corporation that is very large on safety. Yes.

MR. BEATON: I'm just trying to learn. I probably should give you my usual pre-apology.

MR. PORTO: That's alright.

MR. BEATON: I love talking about safety. So if I sound a little enthusiastic it's only because I'm a little enthusiastic. But don't take it as anything other than we're just having a conversation.

MR. PORTO: Absolutely. I would never.

MR. BEATON: So have you ever heard the phrase "human systems integration"?

MR. PORTO: Specifically I can't say. Maybe I have.

MR. BEATON: You used the phrase a moment ago "safety matrix" right?

MR. PORTO: Yes.

MR. BEATON: What is that, safety matrix, not from a math point of view? We're not going to invert anything here.

MR. PORTO: I think how I used it was a risk assessment matrix.

MR. BEATON: Risk assessment.

MR. PORTO: Yes.

MR. BEATON: Can you tell me how that safety matrix is laid out?

MR. PORTO: Sure. It's going to be based on the probability of an occurrence and you can look at that as being on the Y axis and on the X axis you're going to have your severity.

MR. BEATON: The probability of occurrence, how do I define probability of occurrence?

MR. PORTO: Likelihood of it happening.

MR. BEATON: So am I defining the probability of an accident?

MR. PORTO: It depends on what the hazard or risk that you're assessing is if it's going to injury or something occurring you're looking at. It's not going to be the mathematical.

MR. BEATON: So let's talk about risk and then job specific risk analysis or job site analysis at JSA. So I want to use your matrix for risk assessment.

MR. PORTO: Sure.

MR. BEATON: And let's just take a job context like ballast vacuuming to pick something less than randomly. How do I talk about probability of occurrence in a ballast vacuuming job?

MR. PORTO: You're going to want to take a look at that task and everything that goes along with it, the environment, HOV noise exposure. I mean that's something that you want to take a look at, the physical action, the activity that has to take place to be able to perform a rail vac operation and the mechanics around it.

MR. BEATON: Can you give me an example of a

issue that you would identify for use in a rail vacuuming task? Let's just put it in context at Chester. Give me an example of a specific thing that you would use your safety matrix for if you looked at the Chester accident or work plan prior to the accident.

MR. PORTO: Regardless of what you're taking into account, it's going to be through the same process you go through.

MR. BEATON: I'm just trying to get a handle on what this matrix thing -- how you use it and you go through.

MR. PORTO: You identify that you have something that goes with protection, the protection that's going to be identified as something that would be on the highest end of that risk assessment matrix. You're going to prioritize the mitigation strategies and how to go about doing it.

MR. BEATON: So would I assign a probability of currents to the protection? Is that what goes into the matrix?

MR. PORTO: No, not at the protection being there. That's going to be a control.

MR. BEATON: What goes into the matrix?

MR. PORTO: So if we're taking a look at

that scenario.

MR. BEATON: Yes.

MR. PORTO: We're taking a look at the work being done on the tracks, that's there movement on the tracks. We have the high frequency of movements occurring at a high rate of speed. And to mitigate it you have to implement RWP type protection. That's very simplistic.

MR. BEATON: Have you ever filled out a safety matrix for a task?

MR. PORTO: Yes.

MR. BEATON: And your resource to fill that out, where did that come from? How do you know about the safety matrix? Is there a document?

MR. PORTO: Safety resources, I mean it's risk assessment matrix which is part of a lot of different safety approaches.

MR. BEATON: Is there a seminal partner document or resource? Do you know the origin of the safety matrix?

MR. PORTO: My occurrence of it was within the Mil standard (phonetic). I believe that's where I pulled it out from, 82 I believe. Eighty-two, I don't know. It could be.

MR. BEATON: If I told you it was 82E would

that make any difference as opposed to 82D?

MR. PORTO: I couldn't tell you the specifics. I know 82E if I would put money on it I would say that's where it is because I know that's where I've seen a lot of --

MR. BEATON: Who makes up Mil standards? I'm just curious where the hell these things come from.

MR. PORTO: I couldn't tell you. I don't know who.

MR. BEATON: I'm trying to understand how influential 82E which was last revised in 2012 is to you. You describe it as an X axis, Y axis. So if we're looking at the Y axis, it's probability of occurrence. The X axis I assume is?

MR. PORTO: Severity.

MR. BEATON: Severity, okay. So at some point there I have a low probability of occurrence and a low severity. Okay. That's close to my origin I guess. That defines a region in the space. What does it define for me? What do I get out of that? What does that matrix tell me?

MR. PORTO: Your risk. You're identifying the risk for that hazard.

MR. BEATON: So low probability, low consequence is what kind of risk?

MR. PORTO: It's a low risk.

MR. BEATON: Low risk. And for a low risk hazard, what do I do about that?

MR. PORTO: You still want to take a look at it and see if there's a way that you can mitigate. I mean it really kind of goes back to like I said the definition of system safety. Right. It's going to be the engineering principles criteria, the practices to try to eliminate risk.

MR. BEATON: All right. And just to complete this because I want to come back to system safety here in a second but the other end of these axises if we're talking about X and Y axises, a high risk/high consequence hazard, what do I do with that?

MR. PORTO: That's something you need to take a look at and then go through your hierarchy controls to mitigate it.

MR. BEATON: Does 882 differentiate the kinds of mitigations or the kinds of oversight that are required for different risk or different areas in this space?

MR. PORTO: I can't tell you specifically if 882 identifies that or not. But if you're asking me if I know the hierarchy of controls, yes.

MR. BEATON: Does 882 refer to a hierarchy

of controls?

MR. PORTO: I --

MR. BEATON: I'm just curious.

MR. PORTO: 882 I don't have a photographic memory.

MR. BEATON: I think you told me you hadn't heard the phrase "human system integration." Is that correct?

MR. PORTO: No, I said I can't recall if I had or not.

MR. BEATON: Can't recall, okay. Talking about Chester and talking about risk management. And you were talking with Ryan earlier about big projects. Was there a site-specific work plan prepared for the Chester work that preceded this accident?

MR. PORTO: I truly can't recall.

MR. BEATON: What would be the criteria to determine whether a site-specific work plan was done for a wayside, a maintenance job like rail backing?

MR. PORTO: The site-specific work plan, they are developed with the scheduled jobs primarily within our production group is where they come from.

MR. BEATON: Was this job handled by your production group?

MR. PORTO: No, it was not.

MR. BEATON: It was handled by?

MR. PORTO: Division maintenance.

MR. BEATON: Does division maintenance ever do site-specific work plans for their jobs?

MR. PORTO: Yes.

MR. BEATON: What's the criteria or threshold that would determine when a site-specific work plan would be done versus when we'll just go do it?

MR. PORTO: I would say when the project is large enough that requires a project manager to oversee the schedule.

MR. BEATON: The project manager would be somebody from the division or somebody from production

MR. PORTO: At the time of 89, the project managers were within divisions.

MR. BEATON: Okay. Then there was not a project manager for this 51 hour job.

MR. PORTO: I cannot recall.

MR. BEATON: Okay. When we look at Chester today through the lens of hindsight and all the other initiatives that AMTRAK has going on, would you today view Chester as a small job that would not require a site-specific work plan?

MR. PORTO: I would think that any job

requires proper planning and review of what's going on to identify any hazards that are there.

MR. BEATON: But in Chester from today's vantage point with the benefit of hindsight, I mean has AMTRAK put into play a procedure where jobs such as what was being done at Chester now get a site-specific work plan?

MR. PORTO: Yes, site-specific, yes.

MR. BEATON: Okay. And you're involved in those?

MR. PORTO: My staff is as far as reviewing.

MR. BEATON: The lead safety --

MR. PORTO: Specialist for whatever division the work falls in.

MR. BEATON: So when you do a site-specific work plan and there's a hazard analysis associated with that, that's what's done by your staff, the five guys, four of whom are safety certified or degreed.

MR. PORTO: Correct.

MR. BEATON: And they do a risk analysis. What kinds of risks do you think they look at in Chester today?

MR. PORTO: Well, definitely making sure of the proper RWP and procedures are established, followed and the assurance, checks to make sure that they are

there.

MR. BEATON: All right. That's a nice 30,000 foot answer. Let's get down to nap of the earth.

MR. PORTO: Okay.

MR. BEATON: We know -- There's been a lot of lessons learned here in Chester, right?

MR. PORTO: Yes.

MR. BEATON: So tell me what lessons you take away as Director of Safety, Engineering based on Chester?

MR. PORTO: The transfer of information between the roadway worker in charge, setting up the project to make sure everybody starts at the same time, that there is a clear start and stop time of the different personnel that are working at the site. It's not a staggered type start and end time.

MR. BEATON: Okay. When you use the term "project manager" are you referring to a foreman or a supervisor or somebody else?

MR. PORTO: No, when I refer to project managers, it's a manager, nonagreement employee. That is their job to manage large projects, procure contracts, bid the process or bid the contracts out.

MR. BEATON: Did Chester have a project

manager?

MR. PORTO: I don't know.

MR. BEATON: When we look at Chester, what we do know about it is we had a shift transition going on there. If you were to look at shift transition today with the benefit of having learned some lessons from Chester, what do you take away from Chester with regard to risks, safety risks, associated with shift transitions?

MR. PORTO: The clear communication to make sure that those two foremen or rail workers in charge of protection have a discussion that everybody is off the tracks, that they're cleared. They have a discussion to talk about the work that was performed throughout the night, how they went about providing the protection, the differing groups or other crafts that were there. Talk about the concerns or issues or maybe problems that came up throughout the night to make sure that that foreman or rail worker who was in charge coming in has an understanding of the scope of what occurred previously. Make sure that when the transfer or moving the authority of protection on those tracks that it is occurring with both of them right there and full understanding of that happening.

MR. BEATON: That's good. So you want to

make sure that shift change is handled in a coordinated, disciplined sort of fashion.

MR. PORTO: Yes, sir.

MR. BEATON: When the outgoing foreman gives up his fouls through the lens of a risk assessment sort of process, are there risks associated with the crew remaining at the worksite and the outgoing foreman releasing his fouls.

MR. PORTO: Well, the process as it was established it takes into account any of them and mitigates them. You cannot give up a foul without having those individuals on the track.

MR. BEATON: Are there any layers of safety included in here? Is this an opportunity for a single point of failure?

MR. PORTO: There are layers that are built within it, definitely with SSDs and now as we move forward with BTC. There is definitely other technological.

MR. BEATON: But in the context of Chester that we didn't have the supplemental shining devices in use. We didn't have BTCs.

MR. BEATON: In that particular scenario.

MR. PORTO: It is a single point failure.

MR. BEATON: What are some of the potential

risks that would turn that single point failure into a catastrophic event?

MR. PORTO: I think we solved Chester, you know, failure to clear the tracks.

MR. BEATON: Fail to release but.

MR. PORTO: Without notifying railway workers.

MR. BEATON: Yes, people weren't notified. People didn't stay clear.

MR. PORTO: The communication aspect, yes.

MR. BEATON: So given that the foul time procedure isn't failsafe. It's not error free. It depends upon cooperative performance by people who we know are foulable. Is there a takeaway that AMTRAK sees from this lesson of Chester?

MR. PORTO: It's back to reassuring that the process we have, these rules and procedures in place, are for a reason. And we need to ensure that they're being followed and everybody understands that they must be followed.

I mean you can sharpshoot pretty much any type of protection out there and come up with --

MR. BEATON: I think what you're saying if they just followed the rules they would still be alive.

MR. PORTO: Well, no. I'm not saying that

that's what the takeaway is that we took away from this. There are other things that we can do to add layers of protection and build in redundancy, taking a look at some other railroads, SEPTA and Metro North and what they implemented.

MR. BEATON: This botched handoff with these two foremen -- and I'm only characterizing it as botched because you've identified it as a point of discussion for us -- was this the only failure that occurred with this crew at the time of the accident?

MR. PORTO: No.

MR. BEATON: Can you give me a short list of some of the other failures that occurred at the time of the accident?

MR. PORTO: Not putting down an SSD on the track that was being fouled by equipment for longer than five minutes. Definitely the transfer that occurred there.

MR. BEATON: What about the role of the supervisor?

MR. PORTO: The supervisor, absolutely surprised was there the previous night. Well, I'm sorry. I'm thinking of -- Yes, the supervisor was out there. And the supervisor was very hands-on type of supervisor. So he was performing the work and he

should have as a supervisor ensured that job briefings were performed. He had employees coming in there and that's another one there.

MR. BEATON: Were there any actions of the supervisor that may have facilitated the continuation of work throughout the shift transition?

MR. PORTO: Could you clarify please?

MR. BEATON: Well, did the supervisor through his behavior do anything that facilitated the continuation of work during the shift transition?

MR. PORTO: Yes, the supervisor was out there working during the transfer of the shift.

MR. BEATON: And that would have influenced or facilitated other people to continue working?

MR. PORTO: Yes.

MR. BEATON: Such as the backhoe operator?

MR. PORTO: Yes.

MR. BEATON: Is it reasonable to assume that the backhoe operator continued to work and continued to fail the track because his supervisor was right there with him continuing to work?

MR. PORTO: I wouldn't say that's the reason why. It wasn't communicated to anybody that this transfer was occurring.

MR. BEATON: Do you think the supervisor

knew that there was going to be a shift change about this time of the morning?

MR. BONVENTRE: I would just object to just that I'm wondering if you're asking the witness to speculate on things that they did.

MR. BEATON: No, I'm not asking him to speculate. I'm asking him to tell me what he knows.

MR. BONVENTRE: Okay.

MR. BEATON: What he knows. Yes. Thank you for raising that. I'm not asking you to speculate at all.

MR. PORTO: Okay.

MR. BEATON: And again I apologize for my enthusiastic tone. But I'm just wanting to learn from this.

MR. PORTO: A supervisor would know when individuals for that task being performed were starting or ending the shifts.

MR. BEATON: He would know.

MR. PORTO: Yes.

MR. BEATON: There's another failure in the mix of things. And we had some watchmen out there as well, right?

MR. PORTO: Yes, sir.

MR. BEATON: Did they make any mistakes or

have any failures?

MR. PORTO: I was not part of the recording of the reporter team. So I'm not privy to those recordings or any of those discussions. So I do not know.

MR. BEATON: Okay. From a general crew behavior point of view in your role as director of safety for engineering, do you have an expectation for peer to peer support and "I'll watch your back, brother, and you watch mine"?

MR. PORTO: Absolutely. I mean we preach that all the time that you are your brother's keeper. If you see something, bring it up. You could be saving somebody's life.

MR. BEATON: Do you think there was a failure in the peer-to-peer support?

MR. PORTO: I can't speculate on what was occurring there. I just know that it wasn't communicated to anybody out there that a transfer was occurring and it definitely wasn't communicated that a foul was being given up.

MR. BEATON: This wasn't the first time this crew had gone through a shift change though.

MR. PORTO: No.

MR. BEATON: So did it require explicit

communication? I mean that crew probably knew that the new white hat showed up.

MR. PORTO: Any time there's a transfer it requires that.

MR. BEATON: So is it reasonable to assume that they would have some expectation that a shift change was going to occur?

MR. PORTO: Yes.

MR. BEATON: And it's probably reasonable to assume that people knew that the backhoe operator and the supervisor and helper were continuing to work.

MR. PORTO: I don't know.

MR. BEATON: Okay.

MR. PORTO: Everything was so staggered. It might not have been a reasonable thing for them.

MR. BEATON: They were working at least within line of sight of others.

MR. PORTO: Yes.

MR. BEATON: Okay. But nobody told them to stop working or to clear up.

MR. PORTO: No, from everything I've heard or know about this, no.

MR. BEATON: I mean it seems to me when I look at this litany of failures I'm kind of thinking there's a lot of low-hanging fruit for a safety

engineer or director to grab onto and run with.

MR. PORTO: There is a lot. There's --

MR. BEATON: I like to call it rich, rich with opportunity.

MR. PORTO: In fact, I will adopt that as well.

MR. BEATON: All right. I probably overstayed my welcome with questions. I just had one more. Does the phrase "safety culture" mean anything to you?

MR. PORTO: Yes.

MR. BEATON: Can you elaborate on what it means?

MR. PORTO: Safety culture is like another aspect into how we work here. We want to make sure there's a safety culture that people feel confident in the safety programs and processes that we provide as well as the employees and how they respond within that environment to safety.

MR. BEATON: You used the phrase "system safety." Does system safety differ from safety? What value does the word "system" add to safety?

MR. PORTO: System safety is more of a methodological -- I can't even talk. It's the approach, say a different approach, that's going to

provide the practices and principles of safety to reduce and achieve lower risk around the organization.

MR. BEATON: Is there a relationship between the phases "safety culture" and "system safety"?

MR. PORTO: Yes.

MR. BEATON: Can you tell me what it is?

MR. PORTO: I mean that you have safety culture that's going to be in there definitely in the promotion of safety when you take a look at the pillars of safety and on a promotional aspect of their getting out there and having this interaction of safety. It's going to be part of that process when you take a look at safety more as a holistic as an all encompassing approach.

MR. BEATON: So the system is the holistic view of the company or the events that you're concerned with from a safety analysis perspective.

MR. PORTO: An application of engineering controls.

MR. BEATON: All right. I think I've covered the first half of my questions. I'll turn my time over to the rest of the crew here.

INTERVIEWER 2: Thank you, Dr. Bob. Matt, do you need a break? Are you good to go?

MR. PORTO: I'm good.

INTERVIEWER 2: I'm coming in the last position here. You have to kind of jump around a little bit. I think what I want to start out with is if I wanted to avail myself to some kind of risk identification, risk analysis type training, is that out there? Is that available?

MR. PORTO: It's something that we're moving towards to be able to provide that. We don't have anything, an actual structured program right now that's being delivered. But for instance with the safety liaisons when we started them and we brought them altogether for training, it is something that we covered.

INTERVIEWER 2: By covered, you mean that risk analysis/risk mitigation that's an important part of your job.

MR. PORTO: Yes.

INTERVIEWER 2: Okay. Where I was going with that is to establish whether there was any formal courses or formal training. And I would guess that you're just trying to handle this in-house, right?

MR. PORTO: Yes.

INTERVIEWER 2: Okay. And you mentioned that I think the tools that you equip them with if I'm understanding all this correctly is that the way they

go about their risk management or hazard assessment right now is a checklist applied to particular tasks that they're observing

MR. PORTO: Yes.

INTERVIEWER 2: That's the main thing.

MR. PORTO: That's one of the tools that is provided to them.

INTERVIEWER 2: Well, tell me about the other ones.

MR. PORTO: We have an action tracker system. So it's more than just an inspection that's performing. If they've identified a concern or an issue that needs to be corrected, they're able to enter that into the action tracker system.

INTERVIEWER 2: Action tracker means I add things or what?

MR. PORTO: It's a system. Well, it's a system that they will enter in an issue to be able to track, control and document as we progress and then correct the issue. It's going to be able to assign it to a manager to make sure that it gets done.

So it's assigned to a manager with a due date and have the corrective action identified that needs to be performed. The manager will go through and implement that corrective action once it's done. We

have the verification step to ensure that it was corrected to the way that it was specified in there.

INTERVIEWER 2: Okay. And for whatever training or instruction effort that you are providing to the safety liaisons or the six leaders or whoever that's going out there and making these observations, do you have the ability to share with that with the broader context of engineering people in the three departments?

MR. PORTO: The training to do that?

INTERVIEWER 2: Yes.

MR. PORTO: We just have to formalize a program to do so.

INTERVIEWER 2: Okay. So that's on the to-do list right now.

MR. PORTO: Yes.

INTERVIEWER 2: All right. The system safety agreement, can you give me some visibility? How did that get initiated? How did that start?

MR. PORTO: The new system safety agreement that we're under right now?

INTERVIEWER 2: Well, you know you can tell me about the new one. Then I'm going to ask you about the old one.

MR. PORTO: All right.

INTERVIEWER 2: So however you want to answer.

MR. PORTO: It will be easier to go we had an existing system safety agreement. I can't tell you when it started. Steve might be able to remember the date. I do not. It was in existence I know up until April of 2015. We also had another agreement, a safe to safer agreement, but both at the same time.

The end of March into April, we abrogated both of those contracts with the respective unions. And that's when we came to the table to begin negotiations to revise a new system safety agreement and incorporate both of those agreements again to bring a holistic approach to safety. We came to agreement September 8th of last year with the new system safety agreement.

INTERVIEWER 2: Okay. And under the old system safety agreement or whatever safety initiative preceded the one that we're in right now, were there safety liaisons?

MR. PORTO: Yes.

INTERVIEWER 2: Okay. Different numbers, different structure or roughly the same?

MR. PORTO: Different numbers, different structure, yes.

INTERVIEWER 2: Less? More? Same?

MR. PORTO: Less liaisons. The safe to safer agreement had safety facilitators, safe to safer facilitators. When we abrogated both contracts to combine it, the net headcount between the two of liaisons/facilitators was a new neutral. So we didn't add, we didn't remove, any of the headcount for safety positions.

INTERVIEWER 2: Okay. And in terms of numbers, I want to get these numbers pinned down. You're at the top of the safety liaison effort in the engineering department, right?

MR. PORTO: Yes, sir.

INTERVIEWER 2: So you're one. And I've heard the number 24 kicked around. The first thing I want to know is you've also told us about six division leaders.

MR. PORTO: Six lead safety specialists.

INTERVIEWER 2: Okay. System safety specialists and they work on a division level. Does the six come out of the 24?

MR. PORTO: No, sir.

INTERVIEWER 2: Well, that's important. So there's you, one and six and 24 is 31. And if you get some kind of an initiative going you might add another

one. So it will be one, six, 25. Have I understood that correctly?

MR. PORTO: Yes, sir.

INTERVIEWER 2: Okay. And the only thing we're talking about is these are AMTRAK employees working on AMTRAK property.

MR. PORTO: Yes.

INTERVIEWER 2: And I'm going to say the vast bulk of those numbers that we talked about are out here on the northeast corridor.

MR. PORTO: Yes.

INTERVIEWER 2: Correct?

MR. PORTO: Yes.

INTERVIEWER 2: And you do have some property up in Michigan. So I'm going to say a lesser number of people assigned to that area.

MR. PORTO: Yes.

INTERVIEWER 2: All right. So what do you do in a typical day? What's your world like, Matt?

MR. PORTO: Typical day, I don't know if I have any typical day.

INTERVIEWER 2: An untypical day then. What do you do on an untypical day?

MR. PORTO: They always start off with taking on the different division morning calls, listen

to the safety calls. I have a rotating schedule because a lot of them happen at the same time. So Monday, Tuesday, Wednesday, I'll listen on the MidAtlantic, New York production or whatever division morning call. I change that up every day.

That goes into our engineering, our chief engineer's call where we talk about the safety issues and concerns, incidents that occurred. If there is anything that comes up that requires investigation or to look into, we'll start getting into that, seeing who is going to be a part of that investigation committee and delegating out and facilitating resources as necessary.

Then it's heavily dependent on what's going on, the meetings. There is a lot of meetings that we have.

Going through and running reports that are within our electronic safety program that we set up, I make sure that that information is refreshed on a daily basis.

Going through regular tasks and different things, administration type tasks. A setting up meetings, coordinating safety advisory committee meetings. Following up with action items that come from that or from anything else. Working on any number

of different safety initiatives that we have going on.

I know I'm speaking very generally here, but it's a long day. A typical day is about 12-14 hours here. Five days of week of that. Sometimes six or seven.

INTERVIEWER 2: In a broader context of time, maybe a month or a couple of months, how often do you have the latitude to go out and spend a day with either a safety specialist or one of the safety liaisons?

MR. PORTO: That's been something that I've made a priority this year to get out of the office and make sure I'm getting out in the field more. I miss being out in the field as much as I was with my other position.

I would say at least on average once a week I am out of the office in the field. There's times it could be the entire week out in the field.

INTERVIEWER 2: Okay. Let's go into the world of you are out of the office and comes the day that you go out and either meet with a safety specialist or a safety liaison and in this scenario you're going to spend the entire day with them. Tell me how that goes.

MR. PORTO: So we'll meet. I'm not going to

come here to 30th Street. Wherever we decide we're going to meet depending on work that's going on out there, I mean, at the location. Usually the maintenance away base we'll go in and talk with supervisors and managers that are there, identify where work's being done in the area. Head out to the field and just have conversation with anybody that we come across with just to get a gauge and pulse on how things are going.

Usually by that time even before I get there, the lead safety specialist or liaison have something in mind that they want to take a look at or where we're going to go. We'll go out if it's something that we're going to go visit, the job site. And we go out there.

And the first thing we do is talk to the roadway worker in charge and have our briefing, ask him how things are going, different activities that they're doing and kind of play it by ear.

If I'm there, take a look and do observations and see how they're working. Talk about different areas of focus that we want to talk with that group, if it's a group. We see if they've had recent operating rule violation and talk to them about that and how it came about, some of the findings that might

have come from the investigation, how they're working to implement any changes and recommendations from that and go from there.

INTERVIEWER 2: So you have a mental checklist of things you're going to do when you're in the presence of the gang.

MR. PORTO: Correct.

INTERVIEWER 2: But truth be known you're also checking the performance of your safety liaison, right?

MR. PORTO: Yes, sir.

INTERVIEWER 2: So what expectations do you have as your observing or monitoring them?

MR. PORTO: One of the things I want to see is their ability to effectively communicate with all the employees out there. The last thing I want to have anyone on my staff come across as is the safety police.

I don't want them coming up there and barking orders or finding things and jumping right on that. It's about ensuring that there's communication, open communication, how they communicate with them, that effective quality communication.

INTERVIEWER 2: Okay. Do you think they knew the job briefing better, differently, when you're there and the safety liaison is there?

MR. PORTO: I receive stellar job briefings when.

INTERVIEWER 2: Me, too. Whenever I'm out there, I do, too. All right.

So let's shift gears here a little bit. I want to talk about your thoughts about how nimble AMTRAK can be if you, Matt Porto, see something and you want to change something, whether it's something physical, whether it's something on the track. But really I think I want to know how nimble can AMTRAK be on changing a process or a procedure. Do you want me to give you an example so you can respond?

MR. PORTO: No.

INTERVIEWER 2: Or do you want to pick your own?

MR. PORTO: We could be more nimble when it comes to responding to something that needs to be changed on a safety process.

INTERVIEWER 2: Okay.

MR. PORTO: There's a lot of layers.

INTERVIEWER 2: You and I did some site distance work as part of this investigation. We were out there with stopwatches and watching the approach of an exemplar train and all that kind of stuff.

Now I want to talk a little bit about hot

spots. There was an engineering assessment survey done that geographically listed and located a lot of hot spots. And by hot spots I think what you and I are talking about is places where workers need to know that there is a higher number of watchmen needed to warn people about the advance of the train.

MR. PORTO: Yes.

INTERVIEWER 2: Correct so far.

MR. PORTO: Yes, except engineering initiatives mainly driven by labor.

INTERVIEWER 2: Okay. All right. And so in my understanding there's an opening paragraph to that hot spots thing.

MR. PORTO: Yes, sir.

INTERVIEWER 2: And I thank you for making me understand that that's kind of an agreement and there's more than just AMTRAK working on that, right?

MR. PORTO: Yes, sir.

INTERVIEWER 2: If you want to change or improve the context of that paragraph to provide more instruction or a broader warning about the application, is that an easy thing to do or is that a difficult thing to do?

MR. PORTO: There's a lot of legal language in there. In my opinion any time you've got to

lawyers involved.

INTERVIEWER 2: Are we talking AMTRAK lawyers or are we talking union lawyers? And my next question is why are lawyers even involved in it.

MR. PORTO: It's the world we live in.

INTERVIEWER 2: All right. So back to the central question. If you wanted to change or improve the language, there's a process.

MR. PORTO: There's a process, yes.

INTERVIEWER 2: And it's doable.

MR. PORTO: Yes.

INTERVIEWER 2: All right. Tell me a little bit about the RWP changes. We're aware that at one point in time the supplemental shunning device rule, some of that was over there maybe in the training and maybe in the manual.

And I think Fran brought it up and it just reminded me. We know what got moved and we know about when it got moved. But can you help us? Why did it get moved? And was that a good thing or a bad thing? I mean somebody had to some reason to do that.

MR. PORTO: The SSDs never went away, that rule or requirement for applying that with equipment five minutes or more. It never went away. The books as they went through and specifically the revision

required for the 336 we looked at the current book and it had in it all different aspects of more (Inaudible) rules within the RWP manual.

The RWP manual alone is not an easy read. It's written by a lot of FRA or their gentleman counsel. By further complicating it and adding all these operating rules, it just make it even a tougher read.

By having these rules in there instead of referencing the document, you run the risk of any time that there's changes to an operating rule that not being reflected in this other material. Instead of being just a reference, now it's a source document that you're going to have to keep track to make a change. Let's go find everywhere where that is and try and get that changed.

In addition to that, we're operating over multiple areas with different operating rules. It's not just NORAC or GCorp (Inaudible) NS Territories, CSX. By incorporating the NORAC rules into RWP manual, only satisfies a certain geographic area within our system.

Furthermore as we go through the training and the training of the RWP material, the manuals, reference, piece of material for the training, we have

trainers that are going through and teaching and training this information on operating rules that aren't qualified or might not even be qualified operating rules or in NORAC.

So it's communication of information that shouldn't be going through that reading. We have operating practices, operating rules that they go through and they provide training specific to the operating rules.

Like I said, the material and that information didn't go away. You have your RWP manual. You have your operating rules for the area where you're working. There are requirements to be there at the job and accessible by any (Inaudible) worker while they're there. Regulations require for them to have that.

Does it make sense to have it printed twice? As we went through it, it was changes for RWP, but they were done in a group with consensus. That's kind of how they got changed.

INTERVIEWER 2: Okay. So let's go back to training for a minute. This SSD process/procedure, the application of it, all the steps you have to go through, when it's the right time to use it, when you don't have to use it, when you have to use it and all this and that, there's a bit of a discussion that

really needs to take place between a trainer and instructor and an employee to fully understand and comprehend that. Would you agree with that?

MR. PORTO: Yes.

INTERVIEWER 2: Okay. So the best of your understanding, is the supplemental shunning device process/procedure/rule -- do all the engineering employees receive that training?

MR. PORTO: It is the thing for the roadway worker protection training, yes.

INTERVIEWER 2: But it's not in the manual. It used to be in the manual, but it's not currently in the manual.

MR. PORTO: Correct.

INTERVIEWER 2: But it is over in the timetable special instructions.

MR. PORTO: Yes.

INTERVIEWER 2: And if I happen to be foreman, whatever level of foreman I am or however that goes, I have to take more training or additional training, more qualification and if I do that NORAC stuff that's where they discuss that maybe more in depth or not.

MR. PORTO: Yes, absolutely. Just to go back with the other one you asked of all engineering

employees, I can't say 100 percent sure that all engineering employees receive training.

INTERVIEWER 2: Yes.

MR. PORTO: Do employees in Michigan go through the roadway worker protection? I can't say for sure of receiving training or NORAC when NORAC doesn't even apply anywhere in our area.

INTERVIEWER 2: All was a poor choice of words on my part. Most.

MR. PORTO: Most, yes.

INTERVIEWER 2: I think when we talk about that you're looking at maintenance way construction/production that's kind of what I'm talking about.

MR. PORTO: Yes.

INTERVIEWER 2: And certainly most of the railroad. I understand that maybe all is too broad a category. I get that.

But one of the -- Should we have a concern if the width and breadth and depth of everything I need to know about supplemental shunning devices is in this foreman training category? And let me connect another dot. If we're doing job briefings and part of roadway work or one of the premises, is that there's going to be a check because we all got trained the same? And if

you, the EIC, tried to do something short of compliance with RWP, I have a duty. I have an obligation. If I'm working for you, I can call you out on it and say "Hey, Foreman Jones, I didn't hear you say anything about supplemental shunning device. Are we going to do it or are we not going to do it?"

So there's the basis of a challenge as I understand it. What I'm paying out is it can work that way. And what I'm wondering is if we've taken it out of the manual and it's not there readily available for me to see and maybe I'm not properly applying my training, the brevity of it maybe that I was exposed to in roadway worker, do I then not maybe understand enough to challenge the guy when he doesn't use it?

MR. PORTO: I don't think so. I mean it's something that is discussed in our training. It's always been a part of our job safety briefings. And like I said, the operating rules, that has to be present at the location.

If you're saying just because they can't go reference the material and print, they can. It's there at every job site. (Inaudible) They're trained. The employees know what SSDs are.

INTERVIEWER 2: Okay.

MR. PORTO: And it's discussed at the job

briefing.

INTERVIEWER 2: So the supplemental shunning device process/procedures in the roadway worker manual.

MR. PORTO: No, it's not in the roadway worker.

INTERVIEWER 2: It's in the timetable.

MR. PORTO: Well, now it's there.

INTERVIEWER 2: All right. I'm sure we're going to get more questions and discussion on this.

MR. PORTO: Sure.

INTERVIEWER 2: So I want to go back to you are out of the office. It's a happy day. You're out there with your safety liaison. And we go and maybe I'm even with you. And we go up and we talk to others, eight or nine employees in a gang on a task. Somebody says, "Hey, we're going to run some trains. So everybody has to get in the clear."

We're all standing off on the right of way, clear of all tracks. We're all safe. And you and I decide to talk to a few of the laborers. And we ask them to explain the supplemental shunning device. How is that going to go?

MR. PORTO: I think the majority of the employees will be able to --

INTERVIEWER 2: Explain it.

MR. PORTO: -- explain that.

INTERVIEWER 2: All right. That's all I've got for right now.

MR. PORTO: For right now.

INTERVIEWER 2: Yeah. I'm just teasing you. I don't have that many more questions.

INTERVIEWER 3: You okay?

MR. PORTO: I'm fine.

INTERVIEWER 3: One of the great things about having fantastic colleagues in the party system is that everybody has covered my areas that I wanted to talk to you today about.

MR. PORTO: You have nothing.

INTERVIEWER 3: I have nothing to follow up on. I just need to take it all in now.

MS. IMPASTATO: I just have one quick question. With regard to the training for the liaisons, can you give us an overview of the topics that were covered?

MR. PORTO: Sure. We brought them all down altogether and we went over and talked about how to perform an investigation, fact-finding, how to identify hazard identification. We talked about performing inspections and providing feedback to employees and positive reinforcement.

We had a section on behavior-based safety. And we talked about how we're integrating that to our approach. We covered a number of different items that you would find in OSHA Penhauer (phonetic), a course of fall protection in confined space, lockout/tagout.

We went over analytical techniques for identifying trends, putting together strategies. Provided training on effective leadership techniques for being a chair and leading a safety committee and having effective safety committees.

It was a long week. I'm trying to think of everything. I know I'm missing some.

MS. IMPASTATO: Were there any other speakers?

MR. PORTO: There were. And when we first started, the way we kicked it off -- and I think this was something that was very powerful to show support of the process -- the very thing we did we had all of the division engineers present, myself, my entire staff, all the lead safety specialists. We had a number of deputy chief engineers there. We had the chief engineer there. We had the deputy chief safety officer and the safety officer there as well as the general chairmen of the three unions that were represented.

We were able to open up the week long

training with a unified message of supporting this process. It was actually very powerful because there was no rhetoric from anybody as they went through and spoke. It was just a very clear, unified message that we are all here in solidarity to support this program. And I think that's one of the highlights of that really starting the program off on the right foot.

MS. IMPASTATO: Thank you.

INTERVIEWER: Matt, as the ringleader of safety engineering, you said you made your qualifications of RWP and NT2.

MR. PORTO: Yes, sir.

INTERVIEWER: How recently have you had to requalify?

MR. PORTO: I will be going to my annual RWP recertification at the end of this month. Last December was the last requal of my NT2 RWP. I went through my NORAC. I will have to go through a refresher within the first quarter of next year.

INTERVIEWER: And when you attended, were you typically the only student or requalification person in your class? Or are you in let's just say the general population?

MR. PORTO: I'm in with everybody, with whoever signed up for that class, management.

INTERVIEWER: Watchman (Inaudible)

MR. PORTO: No, I'm not.

INTERVIEWER: Do you know if they can become a watchman?

MR. PORTO: Yes.

INTERVIEWER: And how long?

MR. PORTO: Ninety days.

INTERVIEWER: And conversely how long would it take to become a foreman?

MR. PORTO: It's two years before you can take MW1000 to hold the position as a foreman. I can't recall exactly.

INTERVIEWER: And the training duration?

MR. PORTO: For?

INTERVIEWER: (Inaudible)

MR. PORTO: For which? Like MW1000.

INTERVIEWER: (Inaudible)

MR. PORTO: I can't recall.

INTERVIEWER: Six weeks out?

MR. PORTO: For MW1000? Are you asking how long MW1000 is?

INTERVIEWER: How long it takes to enter training (Inaudible) to qualify as a foreman?

MR. PORTO: I believe it currently is four or six weeks.

INTERVIEWER: Thirty days.

MR. PORTO: Four weeks, okay. I'm guessing, but I'm pretty sure it is.

INTERVIEWER: Ninety days to become a watchman and 30 days for a foreman. The training -- this follows up on what Theresa was just asking about -- of the liaisons, this was you training for the new liaisons (Inaudible)

MR. PORTO: Correct.

INTERVIEWER: And was that training provided solely by AMTRAK or were there outside agencies, entities responsible for pieces of that training?

MR. PORTO: No, it was solely by AMTRAK except for -- I'm trying to recall. There was one segment on that Wednesday where we had an outside contractor to come in to provide training.

INTERVIEWER: Okay. You mentioned the SSD being approved by consensus. I guess you could say being approved.

MR. PORTO: It was done by committee.

INTERVIEWER: By committee. Was this a committee of just the system safety or was the training department involved? Was the DE involved? Was the BMWE involved? Or was just system safety?

MR. PORTO: No. It was a committee that had

training, had engineering personnel, had system safety, had operating rules representation.

INTERVIEWER: And was your personal goal manual or --

MR. PORTO: I can't recall. I mean it was discussion. It wasn't that we voted. It was through discussion.

INTERVIEWER: All right. I have no further questions.

INTERVIEWER 2: I've got just a few follow-ups. Let's talk about your oversight and safety programs. I think in your opening remark you were describing your activities and oversight of safety programs to make sure that the safety is done in the right areas.

It seems to me I'm very positively impressed with your program with your safety liaisons.

MR. PORTO: Thank you.

INTERVIEWER 2: And I hear what you're doing in embedding people with the crews that are at risk in harm's way if you will and brothers working with brothers to increase the likelihood that people are going to communicate and report up issues.

How do you monitor the performance of safety liaisons? I mean you and I were talking about data.

And you've got some analytics in play. What sort of analytics apply to the safety liaisons?

MR. PORTO: Because it is an agreement that we have with the unions that we have defined roles and responsibilities that a liaison has to perform, one of the things that I personally wanted to see as we went through negotiations was a more structured, defined set of roles and responsibilities for liaisons. In my opinion previously it was very generalized. So it was hard to be able to have metrics so that you can gauge the performance of a liaison.

That's what we base currently the performance of a liaison off of what we have defined in there. One of those was discussed about having five inspections performed a week. So that goes into it. Being a chair of a tier one committee that must meet monthly and providing minutes from those meetings, different roles that are in there. When we look at the performance of a liaison it's going to be based on making sure that they fit these metrics that are defined.

INTERVIEWER 2: From your vantage point of director of safety though, what kind of validity do those metrics have with regard to the objectives that you want these safety liaisons to meet? We talked

earlier about where did the number five comes from.

MR. PORTO: Sure.

INTERVIEWER 2: In serving on the committee, how does that relate to what you want these folks to be doing?

MR. PORTO: Yes. Because of the agreement that we have it is very quantitative in the metric that we have for them. But as the director of safety I understand that there is a qualitative aspect to it as well.

To be able to gauge that, I can't sit there and define, assign a number or some kind of scale to it. But, yes, I'm engaged. I have discussions with them. So I have an idea of that qualitative aspect.

INTERVIEWER 2: Certainly, the good people are going to do a good job for you. But you've got a lot of distance between you and now in these crews. You've got to rely. You've got to build a trust relationship. They've got to be straightforward and honest and I'm sure they are with you.

But in situations like this from my own experience -- and let me use a phrase which I don't really like to use, but I'll use it anyway -- how do you keep your liaisons from going native on you? Do you know what I mean by that by the way?

MR. PORTO: Yes. There's a lot of trust that we have there. But we have a good structure in place. All the liaisons report to a lead safety specialist who is right there in the division where they are. That's the direct report.

So by having the organization set up that way, the lead safety specialist is able to monitor and facilitate those resources and ensure that these liaisons are performing the tasks.

INTERVIEWER 2: When the liaisons report up an issue and they get it resolved, is there any incentive or acknowledgment? Is there a recognition of accomplishment for them?

MR. PORTO: There is -- I mean we definitely reach out when we talk or if we have a staff meeting it's brought up about the accomplishments that we've made. The chief engineer has a monthly newsletter that he puts out and he wants to -- it hasn't been yet -- incorporate a section to the safety process which will include. And he wants it to be very positive at identifying these successes within the process.

INTERVIEWER 2: When I was talking to the safety liaisons, I sort of asked them how do they get things done. When people report a problem, they seem to know who to call. They're not necessarily always

calling you for the solutions.

MR. PORTO: No.

INTERVIEWER 2: They're calling their network of brothers throughout the company. How do you keep them in line? I mean, how do you monitor that whole network of transactions as a whole political environment going on there?

MR. PORTO: Sure. And a lot of it comes back to the (Inaudible) tracker process that we have in place.

INTERVIEWER 2: There's a order that goes in.

MR. PORTO: Yes. So if there is something that needs a corrective action, if it's an actionable item or concern, it must be entered. It's assigned a unique ID number and then it's tracked through --

INTERVIEWER 2: Do you look at these job orders and apply any sort of risk analysis to them to see if what they're reporting is just the tip of an iceberg for a larger set of concerns?

MR. PORTO: Yes, sir. We do. There are multiple process steps in it. So the liaisons, they submit the item from there and there's a lot of automatically generated work from the background. It gets sent to the lead safety specialist within the area

and they define the issue.

INTERVIEWER 2: At this point in time the safety liaison program where they're reporting up changes that need to be made, it's been in effect for how long?

MR. PORTO: The actual documentation, electronic documentation of it?

INTERVIEWER 2: Yeah.

MR. PORTO: That all went live August 1st. I've been building this for --

INTERVIEWER 2: August 1st.

MR. PORTO: August 1st that I -- Yes.

INTERVIEWER 2: August 1st meaning last month.

MR. PORTO: Last month is when all of the electronic process went live.

INTERVIEWER 2: Okay.

MR. PORTO: But it's up --

INTERVIEWER 2: Before that it was paper process, but basically the same thing going on.

MR. PORTO: It was paper process, reaching out, phone calls, emails. There wasn't a structured approach to collecting and cataloging this information.

INTERVIEWER 2: But there was still safety liaisons on the ground interfacing with crews or

boarding up problems.

MR. PORTO: Yes.

INTERVIEWER 2: And how long has that process been in play?

MR. PORTO: Under the new safety agreement it was signed one year today.

INTERVIEWER 2: One year ago today, okay. So over the course of the one year including the last month where things have gone electronic --

MR. PORTO: Yes.

INTERVIEWER 2: -- how many total issues have been reported up through this system whether they've been resolved or not? I mean just a ball park number.

MR. PORTO: The ball park, dozens.

INTERVIEWER 2: Dozens.

MR. PORTO: It is a successful program.

INTERVIEWER 2: By dozens are we talking 20 or are we talking hundreds?

MR. PORTO: More. Probably hundreds.

INTERVIEWER 2: Hundreds.

MR. PORTO: And some of these aren't huge issues. There are some very small issues.

INTERVIEWER 2: Okay. I'm just trying to get a sense for the influence of this. And I assume

that as it gets established and accepted it will be used more and more. But after about a year you've got hundreds of issues that have floated up.

MR. PORTO: Yes.

INTERVIEWER 2: Of those hundred, can you give me a sense for how many have actually led to some successful resolution or been fixed?

MR. PORTO: The majority of them especially the smaller, low-hanging fruit there, absolutely.

INTERVIEWER 2: Yeah.

MR. PORTO: Like I've been saying with continuous improvement I mean if you can point to any company or anything in the world that has a perfect safety process please let me know.

INTERVIEWER 2: Has anybody ever reported up fall protection as an issue?

MR. PORTO: Yes.

INTERVIEWER 2: Has that been resolved?

MR. PORTO: We are the process of resolving that, yes.

INTERVIEWER 2: You have a solution.

MR. PORTO: Yes. We've been undergoing within the engineering department a fall hazard analysis system wide. And that report actually just came into my mailbox.

INTERVIEWER 2: Has anybody reported up being afraid?

MR. PORTO: Afraid of?

INTERVIEWER 2: Well, afraid of doing the wrong thing.

MR. PORTO: Yes. Do you mean the right to refuse? A good faith challenge or?

INTERVIEWER 2: I'm just using a term that was given to me where I'm just saying that the employees, have they ever reported up being afraid? These are grown men working on the railroad, working with big heavy toys and they're afraid.

MR. PORTO: Afraid of what?

INTERVIEWER 2: They're afraid of doing the wrong thing.

MR. PORTO: Of doing the wrong thing.

INTERVIEWER 2: Has anybody ever reported up a problem with or an issue or a concern with the cardinal rules?

MR. PORTO: Yes.

INTERVIEWER 2: Has that been resolved?

MR. PORTO: We tried to resolve it with communication to let them know --

INTERVIEWER 2: It's in the process of being resolved.

MR. PORTO: About the cardinal rules. I mean, it's --

INTERVIEWER 2: Are you aware that employees are afraid to be proactive in their job because they don't want to violate a cardinal rule?

MR. PORTO: Yes, I've heard that.

INTERVIEWER 2: You've heard that.

MR. PORTO: Yes.

INTERVIEWER 2: Was that reported up through the safety advocacy or safety liaison system?

MR. PORTO: I've definitely heard liaisons mention that, yes, that they've heard that out in the field.

INTERVIEWER 2: Was a ticket filled out with that that can be traced?

MR. PORTO: There has not been a ticket filled out for that issue since August 1st.

INTERVIEWER 2: Why not?

MR. PORTO: I don't know why a liaison has not entered that in.

INTERVIEWER 2: So a year from now when somebody says, "The employees are afraid," and Matt Porto is moved onto the president of AMTRAK or some other job, who is going to be able to track that issue?

MR. PORTO: It is something that should be

tracked. I think that it's not something unique to maintenance-of-way employees. I think we've heard this in other areas. And I believe that -- I hate to speculate. Maybe I shouldn't speculate, but we're working on a communication strategy.

INTERVIEWER 2: I don't want you to speculate.

MR. PORTO: The attorney will attest to.

INTERVIEWER 2: He doesn't want you to speculate and I don't either.

MR. PORTO: But what it comes down to is how it's communicated out. In the engineering department, we put out cardinal rules before the rest of the company. We did this back in June of 2015 and we communicated it in such a way that it didn't cause the same reaction as this corporate might have.

INTERVIEWER 2: As the director of safety, engineering and trying to ensure that safety initiatives are focused on the right areas knowing that employees, boots on the ground, are afraid of breaking a cardinal rule, does that meet your criteria for being an issue that gets prioritized?

MR. PORTO: Yes.

INTERVIEWER 2: It does.

MR. PORTO: Yes.

INTERVIEWER 2: And it doesn't have to be an issue that you need to maintenance away to go into your electronic tracking system, does it?

MR. PORTO: No, it does not.

INTERVIEWER 2: Another example of that might be drug use. Has that been reported through your tracking system?

MR. PORTO: No, it has not.

INTERVIEWER 2: Is drug abuse unique to maintenance-of-way?

MR. PORTO: No, I don't think that would be unique to industry let alone --

INTERVIEWER 2: Is there a problem with drug use in maintenance-of-way?

MR. PORTO: I haven't heard of any. None of that stuff gets reported to me in safety.

INTERVIEWER 2: Drug abuse or alcohol has never been reported to you as director of safety, engineering.

MR. PORTO: No, that would go up to our -- We have within our medical department somebody.

INTERVIEWER 2: So it's not in your wheelhouse.

MR. PORTO: If somebody had a drug and alcohol test and results of that, no. That wouldn't

come to safety. That would go to our medical department.

INTERVIEWER 2: Okay. Do you happen to know how long the backhoe at Chester was fouling the track before the accident just in terms of time?

MR. PORTO: The backhoe operator, he reported to work like around 11:00 p.m., 12:00 midnight that night. And there was intermittent fouling going on throughout the night.

INTERVIEWER 2: But in the particular instance of fouling the track that led to this accident, do you know how long that backhoe had been there fouling the track?

MR. PORTO: It would be speculation at this point. I mean maybe if we went through and listened to recording we would be able to determine that.

INTERVIEWER 2: As the safety director, do you think that's an important thing for you to know?

MR. PORTO: Yes.

INTERVIEWER 2: So that's something that you'll get to as you review this case.

MR. PORTO: Absolutely. We've gone through and on the engineering track committee we've pulled that commission together.

INTERVIEWER 2: So we've talked a lot about

the various players in this. One that we haven't talked about I want to spend the last three hours I have with you. I'm just seeing if you're still awake. I'm not going to take three hours.

Are you familiar with -- I mean I know you've got a clear focus on what you're doing. But are you familiar at all with the actions and the role of the dispatcher in this accident?

MR. PORTO: Can you clarify the question?

INTERVIEWER 2: Do you know what the dispatcher did in terms of releasing blocks or setting up blocks or talking to the crews or any interaction?

MR. PORTO: I mean I've heard the tapes. I've heard all the communications.

INTERVIEWER 2: You've listened to the tapes, okay.

MR. PORTO: Correct.

INTERVIEWER 2: Do you have any comments on the role that the dispatcher played in this accident?

MR. PORTO: It would be my personal comments and that of AMTRAK. So I'm not going to express that.

INTERVIEWER 2: So you have your personal opinions, but you keep them to yourself. And that's perfectly understandable and fine. And you have the official AMTRAK position because you're here

representing, an agent of AMTRAK.

MR. PORTO: Yes, sir.

INTERVIEWER 2: And that's perfectly fine. And I would expect nothing less. As the director of safety, engineering for AMTRAK, when you look at the Chester accident through the lense or the eyes of the dispatcher from a safety point of view, I'm trying to understand how this dispatcher and his actions interfaced with the maintenance-of-way work groups out there.

What I'm understanding -- and correct me if I've got a misunderstanding -- is that this dispatcher relied on one foreman releasing his fouls which created a hole for him to run a train through which he did because he had a train to get through there.

MR. PORTO: Yes.

INTERVIEWER 2: But he ran it through at speed.

MR. PORTO: Procedurally, the dispatcher did nothing wrong.

INTERVIEWER 2: I'm not trying to blame anybody.

MR. PORTO: I understand.

INTERVIEWER 2: I'm just looking at this from a safety point of view. Was there any reason to

think that he could have run it through there at a restricted speed to enhance the safety of the people on the ground or the people in the train?

MR. PORTO: I don't see why that would make an difference. Didn't fall under the 336 requirements where they were protecting the adjacent track and needing run at certain speed to continue operations. So that's not there.

Regardless if they're running at a reduced speed, 60 miles per hour or at maximum authorized speed, I don't see the difference that it would make because of roadway worker protection is established to protect the roadway worker from movements on that track regardless of speed.

INTERVIEWER 2: Okay. So let's go back. Let me just ask this in light of the safety matrix that you talked about and the likelihood of improbable, highly consequential events. Is there any influence on your thinking from a safety matrix point of view why you might want to run at restricted speed through a construction zone?

MR. PORTO: No again because we had a mitigation, a process there to mitigate out, risk.

INTERVIEWER 2: Does the mitigation process rely at all in any way on human actions and judgments?

MR. PORTO: The thoughts of humans --

(Simultaneous speaking)

INTERVIEWER 2: If humans are something less than 100 percent error-free, does your mitigation plan have risk associated with it?

MR. PORTO: Yes.

INTERVIEWER 2: So from the point of view of having a mitigation plan that isn't failsafe, it's subject to the fallibilities of human beings acting naturally less than error-free. Is that reasonable plan to rely on when you've got fairly precious cargo, other human beings?

MR. PORTO: Yes, I understand exactly where you're coming from.

INTERVIEWER 2: You understand it intellectually.

MR. PORTO: Yes. I mean roadway worker protection is there and is established to protect from moving equipment. I know that's not the answer to the question that you have, but it's --

INTERVIEWER 2: Are you struggling to give me the AMTRAK answer or are you struggling because your personal consciousness is coming involved here?

MR. BONVENTRE: Can we go off?

INTERVIEWER 2: Let's go off the thing.

(Whereupon, a short recess was taken.)

INTERVIEWER 2: Sorry for my enthusiastic line of questioning. I appreciate your answer. I think as you get an insight to this, there's some sense of caution that seems like it could be applied to this situation with the dispatcher running a train through the open hole at speed.

But there may be at least theoretically intellectually some reasons to have a discussion about cautions. And maybe that's a takeaway that we get in the future.

MR. PORTO: Roger that.

INTERVIEWER 2: Okay. I think that's all the questions that I have. Thank you again for the education and the opportunity to chat with you. Appreciate it.

MR. PORTO: You're welcome. Thank you.

MR. HIPSKIND: This is Dick Hipskind. May I just -- A few loose ends. In everything that we've talked about today, risk, risk management and everything, I just want to condense a lot of it. In almost all the roadway work out there -- and I'm not talking about the big gangs. I'm talking about the small gangs, the incidental -- people have to be in harm's way. And they're going to be on or about a live

track.

The paramount, the top risk, in almost all these situations is the train movement, train movement at a high speed.

MR. PORTO: Correct.

MR. HIPSKIND: On any track at any time in any direction.

MR. PORTO: Yes, sir.

MR. HIPSKIND: Hence, why we have watchmen, why we have the roadway worker. Is it fair to say then if that is the main thing to be looking out for to manage, should I understand that the reliance on compliance with roadway worker -- In other words, let's be looking out for trains. Let's have that discussed in our job briefing. That initiates the plan.

But then the other part of the plan is get in the clear and stay in the clear and report to the dispatcher you're in the clear if you have that kind of a situation. Is that the main thrust of the mitigation?

MR. PORTO: Yes.

MR. HIPSKIND: All right. One of the things we talked with the safety liaisons yesterday is that they do not cross over into the world of counseling. So you said, "Well, I want them out there and I want

them talking to the men." But I want to dot an I on this. Is counseling part of what you do?

MR. PORTO: And when you say counseling, can you --

MR. HIPSKIND: An employee -- It's been reported to you that an employee on several occasions seems to have a consistent bad behavior. Do you ever get in a situation where you have to counsel that employee?

MR. PORTO: There are situations that occur where, yes, I would counsel or speak with employee or lead safety specialist would speak with the employee.

MR. HIPSKIND: Okay.

MR. PORTO: And liaisons too. There is a -- I don't want to call it counseling -- coaching element to what they do.

MR. HIPSKIND: Well, they coach. But you might counsel as in a formal discussion about an unsafe behavior or something.

MR. PORTO: That would be more in lines of the line level management/supervision to provide that counseling.

MR. HIPSKIND: Okay. So if not you, then it could be somebody else on the division level.

MR. PORTO: It would be on the division

level. It wouldn't be me to formally document counseling, no.

MR. HIPSKIND: Okay. Whether it's you or somebody on the division, counseling is part of the process.

MR. PORTO: I just want to make sure I answer this correctly.

MR. HIPSKIND: Sure.

MR. PORTO: So you say counseling is part of the process of what? If there has been a trend observed through the liaison process or.

MR. HIPSKIND: Yeah, I'm not talking about a one time thing. All I'm trying to introduce is that safety liaisons, people who work for you, don't do maybe what the line maintenance managers for the division might do or you might do if we're talking about something more than coaching.

MR. PORTO: Correct.

MR. HIPSKIND: Correct?

MR. PORTO: Yes.

MR. HIPSKIND: Good. We had a discussion about risk management courses or training modules, whatever name you want to get to. And my sense of it was that that's in development, right?

MR. PORTO: Yes.

MR. HIPSKIND: Is that something -- I take it it's something that's going to happen in the near future. Is that something that you could share with the investigation, our plans or your thoughts, and maybe when some of that is going to come about?

MR. PORTO: It wouldn't fall directly under my responsibilities of the director of safety. I mean that would be under the training, the system safety training, that's developing that.

MR. HIPSKIND: Okay. But there's an ongoing plan or schedule. We don't need all the course material. Just some understanding of an outline of what's the projected implementation or whatever. Is that something you could share with us and provide to Ryan?

MR. PORTO: I'm sure I can, yes.

MR. HIPSKIND: Okay. All right. Last question and it really is the last question from me. What are your top challenges? In the work that you do, what's the top one or two challenges?

MR. PORTO: I guess the number of challenges that are there. Sometimes I sum up my job that I feel that we spend so much time fighting fires that we're not able to teach fire prevention.

MR. HIPSKIND: That's a good way to put it.

Okay. That's all I've got other than I do want to thank you for your sustained participation both on scene and all the work you do with the site. That's very helpful.

MR. PORTO: Thank you.

MR. HIPSKIND: Ryan, back to you.

MR. FRIGO: John, do you have any clarification?

MR. BONVENTRE: I don't believe there's any clarification.

MR. FRIGO: Great. Matt, I just want to echo what Mr. Hipskind said and thank you for your participation both on scene and in the activities of following the on scene events and for today. Thank you taking the time to help us understand a lot of what has gone on and what goes on within your system safety group. Thank you again.

I just have four questions I'd like to go over before we close out. Is there anything you would like to add or change to today's interview?

MR. PORTO: No.

MR. FRIGO: Are there any questions we should have asked but did not?

MR. PORTO: Asked a lot of questions. I believe we covered pretty much everything.

MR. FRIGO: Do you have any suggestions for preventing a recurrence?

MR. PORTO: Nothing that we haven't discussed already.

MR. FRIGO: And is there anyone else who we should interview?

MR. PORTO: I mean not knowing the full list of everyone that was interviewed I trust NTSB and everybody working with you that you have a good cross section of the corporation.

MR. FRIGO: Great. Thanks again, Matt. Thank you. Off the record.

(Whereupon, the above-entitled matter was concluded.)

C E R T I F I C A T E

MATTER: Accident Involving AMTRAK Train #89
April 3, 2016
NTSB Accident No. DCA16FR007
Interview of Matthew Porto

DATE: 09-08-16

I hereby certify that the attached transcription of page 1 to 122 inclusive are to the best of my professional ability a true, accurate, and complete record of the above referenced proceedings as contained on the provided audio recording; further that I am neither counsel for, nor related to, nor employed by any of the parties to this action in which this proceeding has taken place; and further that I am not financially nor otherwise interested in the outcome of the action.

[redacted]